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California JOURNAL

INDEPENDENT ANALYSIS OF POLITICS AND GOVERNMENT

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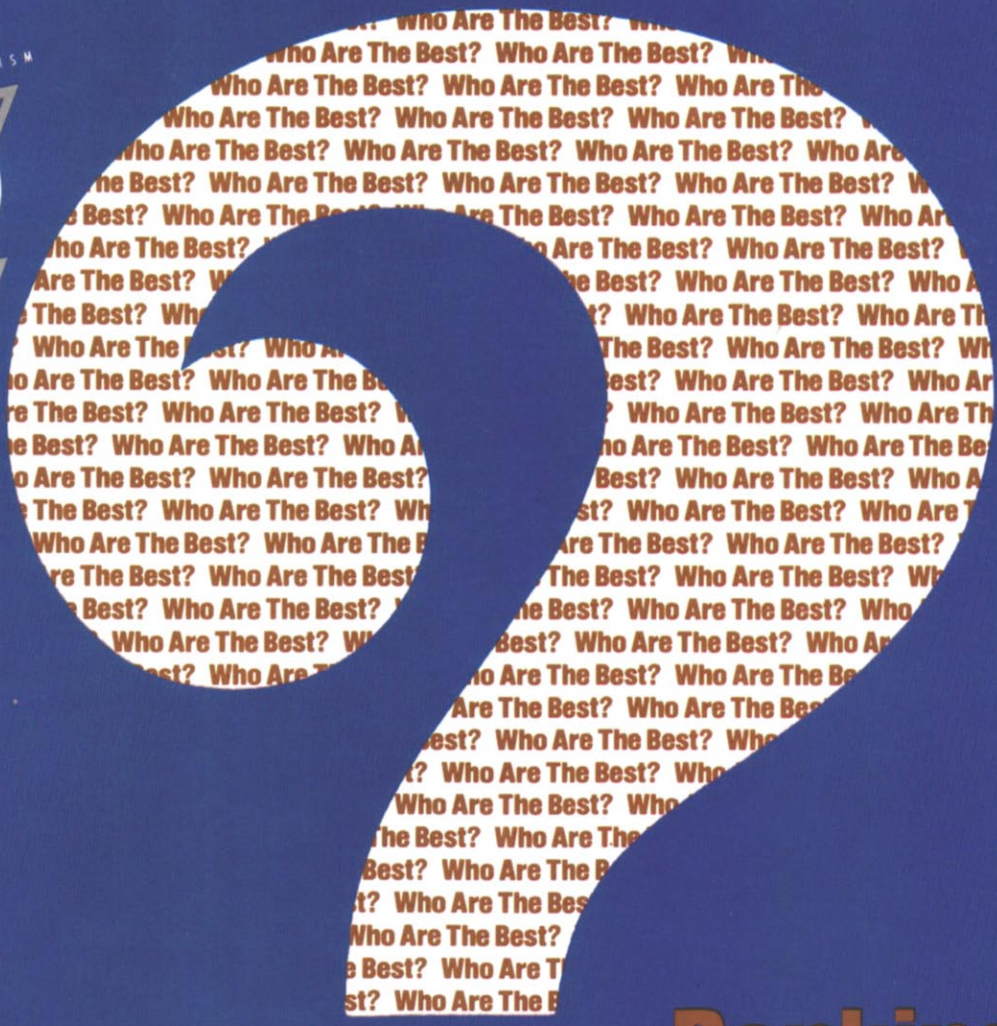

Ranking the legislators

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MARCH 1990
VOLUME XXI, NUMBER 3

California JOURNAL

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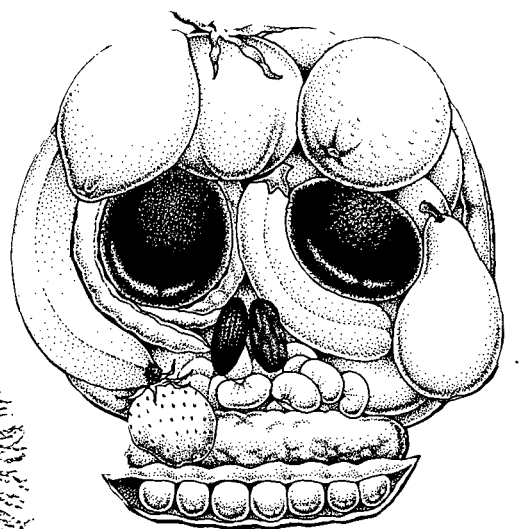

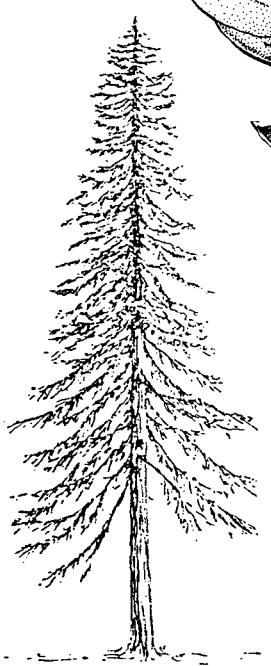

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UP FRONT

Pete Wilson had a tough month. Not only did a mid-February poll show him trailing Democrat Dianne Feinstein in the race for governor, but a group of Republican women questioned his masculinity and called for his replacement as head of the statewide GOP ticket in 1990. The "California Pro-Family Women's Coalition PAC," headquartered in Santa Monica, wanted Republicans to draft former baseball commissioner Peter Ueberroth as their gubernatorial standard-bearer in 1990. The coalition, headed by Leslie Dutton, sent out a scathing newsletter comparing Wilson and Ueberroth. Wilson was characterized as a "professional politician" who represents special-interest groups, the AIDS/Homosexual lobby and the public-school bureaucracy and who had voted against school prayer and against a ban on "obscene/porno AIDS materials." He also was accused of accepting over $100,000 in campaign contributions from the beleaguered savings-and-loan industry. Ueberroth, on the other hand, was characterized as a "citizen and public servant" who believes in the family and has "unquestioned masculinity." Ueberroth apparently was unmoved. He failed to file nomination papers by the February 7th deadline, leaving the field to Wilson.

The need for a true believer to replace Pete Wilson as the Republican nominee for governor even resulted in the resurfacing of an old name in California politics, Don Sebastiani. The former assemblyman (he served from 1980-86) is now running the family's winery. He was best known for his efforts to change the state's reapportionment process and for being a thorn in the side of most of his colleagues. Sebastiani quickly shot down the rumor before we got a report on the state of his masculinity.

Last month Joe Montoya resigned from the Senate rather than become the first member of the California Legislature since 1905 to be expelled. A federal jury in Sacramento seemed unwilling to believe, as the former senator maintains, that it was worth $3000 to have the pleasure of his company at breakfast. Legislators quickly issued press releases thanking Montoya for resigning and sparing them the unpleasantness of actually have to surgically remove a convicted felon from their midst. And that attitude — that we have to help all of our colleagues, no matter how despicable — lies at the heart of the most depressing part of this episode. Everyone, including the leadership of the Senate, knew how Joe Montoya operated. It was no secret. Yet the system was unable to do anything about it. There were no mechanisms, either formal or informal, for doing anything about Joe. And there was even less will. Senate President pro Tempore David Roberti is right when he told reporters that he has to live with whomever the voters send to Sacramento. But he doesn't have to make that person the head of the Business and Professions Committee, an assignment that made it easier for Montoya to operate. In hindsight, Roberti calls that choice "regrettable."

Last month we commented on the size of a mailer sent out by the Howard Jarvis Taxpayers Association. It measured a full 13-by-17 inches. Well, Joel Fox, director of the association, wants us to know that bigger is indeed better. Fox says that the size of an average contribution increases from about $18 to about $22 when larger mailers are used. Furthermore, they get a response rate that's 25 percent higher than usual. The message hasn't been lost on the other end of the political spectrum. Last month we got a similarly sized package from Common Cause. We're putting in a bigger mailbox.

The senator from insurance. The Center for California Studies at CSU Sacramento hosted its second annual "Envisioning California" conference recently. One of the panels was devoted to reapportionment, where it was suggested that voting in geographic districts doesn't really give voice to "communities of interest." Well, Deanna Marquart, a Capital policy analyst who attended the conference, has a solution: She suggests that voters be allowed to choose from among candidates who represent those communities of interest rather than geography. For example, on election day a voter would decide which community-of-interest ballot to use — "community" of women, of environmentalists, of developers, of toxic-waste haulers, of Blacks, or whatever other special interest has organized to seek representation. The winners would be the top 120 vote-getters (80 for the Assembly, 40 for the Senate). Although every candidate would run statewide, Marquart argues that the cost of campaigning would be held down because of the ease of communicating with like-minded people. Thus, we might get a senator from insurance. Some observers might suggest that we already have a senator or two from insurance, and that Marquart's proposal would merely formalize a long-standing relationship.

Raising the pay of elected officials has never been easy. According to a new book on the fall of former Speaker of the House Jim Wright ("The Ambition and the Power" by John Barry), Congress once attempted to hike its pay from $5 a day to $1500 a year. At the next election, half of the congressmen up for reelection were defeated because of the pay raise. This happened back in 1816, long before the birth of Ralph Nader.

(Bob Stern, Los Angeles)

"You cannot live on other people's promises, but if you promise others enough, you can live on your own."
— Mark Caine

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." So, rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

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ROSTRUM

Power Merger

Regarding your article on Southern California Edison's attempt to take over San Diego Gas & Electric (see "Merger under fire," *CJ*, February 1990), any news on this subject is better than the virtual news blackout that has occurred outside San Diego.

As a consumer group, TURN's (Toward Utility Rate Normalization) primary concern is the impact that the merger will have on Edison's residential electric rates, which have already increased almost 29 percent in a little over two years. It's not surprising that the professional association for utility regulators moved Edison nearer to the top of its list of utilities that charge customers the most for electricity. With this sort of rate history, TURN is worried about Edison's promise to lower rates in San Diego by 10 percent if the merger is approved. We're worried because Edison might try to make good on this promise by raising the rates even higher for existing customers. We don't think residential customers in one part of California should subsidize a rate discount for residential customers in another part of the state.

There are other important issues that ought to be publicly noted before state and federal regulators make their decision:

- an examination of the economic hardships that will result from large scale layoffs;
- Edison's history of self-dealing with its own Mission Energy subsidiary;
- the propriety of lucrative "golden parachute" agreements negotiated by SDG&E directors as part of the merger pact;
- the effect of the merger on air pollution in Southern California; and
- the effect of the merger on transmission costs, and on competition in the transmission of electricity.

Consider the environmental consequences of the proposed merger. Edison is likely to meet San Diego's growing demand for electricity by firing up idle power plants that will add significantly to the air pollution problem in Southern California, already in violation of federal air quality standards. State and federal officials have their hands full trying to solve the area's air pollution problem. Does Southern California really need more air pollution just so Edison can become the nation's

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biggest electric utility?

The economic consequences of the takeover are also worth examining. With more than 1400 unresolved labor grievances pending since October 1989, Edison has the worst labor-relations record of any regulated utility in the western United States. SDG&E, with only two pending grievances, has better labor relations and consequently higher productivity. San Diego's electric rates were once among the highest in the nation, but better management and a brighter economic picture have brought them down, while Edison's have gone up. Bringing thousands of SDG&E workers under Edison's management and laying off hundreds of union workers while top SDG&E managers get "golden parachutes" can only erode employee morale.

Concerning the regulatory consequences of an Edison takeover, the Division of Ratepayer Advocates at the California Public Utilities Commission has admitted that it is impossible to adequately police Edison's business affairs to eliminate the kind of self-dealing that took place when Edison negotiated to buy power from its own unregulated subsidiary, Mission Energy. Edison's customers are already paying more than necessary for electricity because of the 13 contracts Edison signed with this subsidiary. Approving the merger will only increase concern about this lack of regulatory oversight.

Edison customers and other concerned citizens in Southern California will have an opportunity to air these issues, possibly as early as mid-April when the California Public Utilities Commission schedules a series of public hearings throughout Southern California, including San Diego.

AUDRIE KRAUSE
Executive director
TURN, San Francisco

The good old days

Your mention of Senator Charles W. Lyon (see "The Capitol's little secrets," *CJ*, December 1989) tells only part of the story. Lyon, a Beverly Hills Republican, served nearly 40 years in the Legislature, beginning with his first election to the Assembly in 1914. He was in the state Senate in the 1920s when the incident you mention took place — his mistress was murdered in his office. In the 1930s, Lyon returned to the Assembly where, in 1943, he became speaker. He would have become

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governor had he won the GOP nomination for lieutenant governor in 1946, but he lost to Goodwin Knight. Instead, Lyon returned to the Assembly where, in 1954, he was indicted and convicted of bribery in a liquor scandal. Alas, he was defeated that year by a young Democrat named Thomas Rees. The defeat ended not only Lyon's career but Republican representation of Beverly Hills.

TONY QUINN
Sacramento

Energy

Your article on energy (see "Whatever happened to the energy crisis?" *CJ*, December 1989) made a number of interesting points about the future of energy supplies — and air quality — in California. However, you failed to mention reformulated gasoline as a viable short-term contributor to cleaner air, at least in terms of auto emissions.

Some 20 million vehicles in California run on gasoline. Methanol-powered cars and buses, and perhaps electric cars, will appear in greater numbers throughout the current decade, but the motor fuel of the '90s and the early 21st Century will remain gasoline. Not only is it cheap to produce and market, but other fuels require either specially-fitted and expensive autos, new manufacturing and marketing infrastructures or untested technological advances.

A cleaner-burning gasoline can be made and can make a difference in air quality, as ARCO proved last September with introduction of its EC-1 Regular in Southern California. Although the idea of reformulated gasoline is relatively new and there is much to be learned about its maximum effectiveness, it is a product whose time has come. We believe reformulated gasoline *is* the alternative fuel of the '90s and will figure prominently in California's energy future.

ALBERT GREENSTEIN
Manager, media relations
Atlantic Richfield Company
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SUCCESS STORIES

MEET HELEN KO

Helen Ko is a disabled refugee from Cambodia. She developed polio at the age of three and could not walk until she was 18.

After reaching Los Angeles, when she was 22, Helen knew that she needed to get a job.

Helen's rehabilitation counselor suggested that a career in banking could provide her with the best working environment and also give her opportunities to accomplish her goals.

She enrolled in the Banking Institute where she not only received assistance and encouragement, but hope.

During her four month training, she received hands-on training in a simulated bank environment. Helen received straight A's and had a perfect attendance record.

During her last module, Helen's placement counselor gave her mock interviews and arranged for two on-campus interviews.

Helen received an offer from one of California's largest banks in their downtown Los Angeles office.

Today, Helen Ko is a clerical technician.

This is Helen Ko's first job—ever.

Helen Ko is a success story.

MEET LORI EISENHAUER

Lori Eisenhauer is a 24-year-old single parent of two children. She moved to California from Nebraska in July, 1988. Her first job on the West Coast was in Ralph's as a courtesy clerk. Lori's only other job experience, until then, included waitressing, working on an assembly line and as a sales clerk at JC Penney.

Lori wanted to attend college, but low finances and being a single parent held her back.

Lori enrolled at Eldorado College after meeting with the admissions representative. The Secretary/Word Processor program was suggested to give her the office and computer skills she would need to work in the business field.

Attending college in the morning and then going on to a part-time job in a college work-study program in the afternoon was not easy for this single parent, but keeping her goal in mind, to become financially secure for her family, kept her going.

In her last month of the four month Secretary/Word Processor program, the placement officer sent Lori out on an interview for a position with Jenny Craig International, where she was offered a job.

Since she started in February, 1989, Lori has been given a generous raise and was recently promoted from the Marketing Department to the Accounting Department.

Lori Eisenhauer is a success story.

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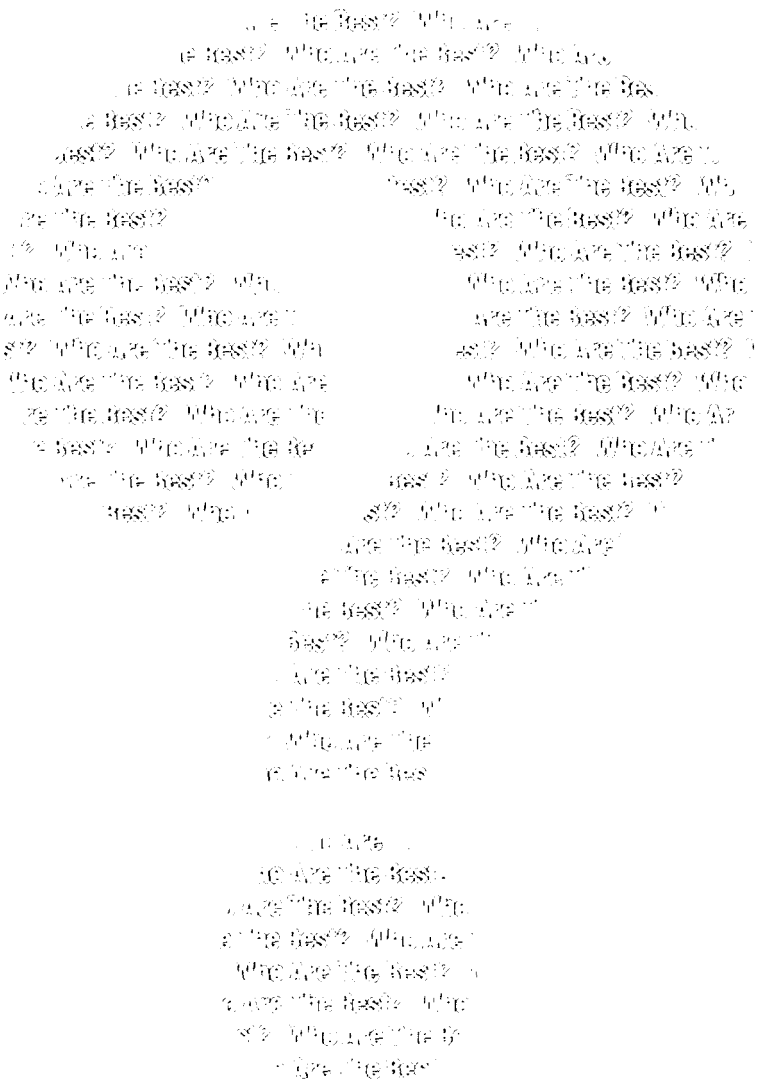

A *CALIFORNIA JOURNAL* SURVEY

Rating the legislators

By Richard Zeiger

How do you know who is a good legislator?

There is no perfect measure and precious few guideposts. Legislators are required to perform an extraordinary array of tasks, from placating outraged constituents to mastering the nuances of state finance. At the very least, they must master the task of getting elected. Indeed, there are those who would argue that this is the only real measure of an elected official: Do his constituents want to return him or her to office?

Yet much of the time, individual legislators toil in anonymity. Voters from rural areas have no press representatives on the scene in Sacramento to tell them how their representatives behave. Voters from big cities find their newspapers are too concerned with the "big picture" to follow the activities of individual Assembly members or senators. But lawmakers are human, and some do their jobs better than do others. And voters deserve to know the quality of their representation in Sacramento.

With this in mind, *California Journal* devised a survey to provide one measure of legislative ability.

Journal editors identified seven qualities that might contribute to legislative success: integrity, intelligence, effectiveness, energy, flexibility, conviviality and potential. We then asked the people who know legislators best — lobbyists, legislative staff, the Capitol press corps and legislators themselves — to rank each legislator for these qualities on a scale of 1 to 10, with "10" the best score and "1" the worst.

This kind of survey technique is not perfect. One can ar-

California Journal *interns Kristina Emanuels and Beth Gaston did all the really hard work on the survey. Richard Zeiger is editor of the* California Journal.

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gue with the seven categories and with the survey methodology itself. Indeed, at least one legislator tried to disparage the survey even before results were known; Assembly Minority Leader Ross Johnson lampooned the survey by sending out a version of it with the names of *Journal* staff members substituted for members of the Legislature. He also asked that recipients not bother to fill out the survey.

Not everyone will agree that the selected categories should be used to rate a legislator; some will argue that other categories should be included. We did not measure how responsive lawmakers are to constituent complaints, for example, or if they are competent administrators of their own offices and committees.

Even if one accepts the *Journal's* categories, there are other considerations to keep in mind when evaluating the results. For example, it was not a random sample; only those with the time and the inclination responded. We have no way of knowing if this represents everyone who received a survey, or if there is some hidden bias. Finally, the ultimate number of surveys received was not large, which means that only a few wayward answers could alter the outcome. Readers would be wise to consider legislators of equal rating when they are separated by only a slim margin.

Despite the drawbacks, the overall results represent an

Integrity — Senate

1.	Hart	8.07
2.	Presley	7.97
3.	Petris	7.75
4.	Bergeson	7.74
5.	Russell	7.63
6.	Morgan	7.58
7.	Leonard	7.54
8.	Davis	7.47
9.	Craven	7.33
10.	Vuich	7.21
11.	McCorquodale	6.81
12.	Kopp	6.75
13.	Maddy	6.72
14.	Roberti	6.68
15.	Alquist	6.63
16.	Rosenthal	6.56
17.	Beverly	6.55
18.	Seymour	6.36
19.	Rogers	6.25
20.	Royce	6.07
21.	Garamendi	5.95
22.	Stirling	5.93
23.	Ayala	5.87
24.	Greene, L.	5.84
25.	Keene	5.81
26.	Deddeh	5.55
27.	Dills	5.43
28.	Marks	5.40
29.	Mello	5.25
30.	Nielsen	5.21
31.	Watson	5.02
32.	Green, C.	4.95
33.	Lockyer	4.89
34.	Torres	4.89
35.	Doolittle	4.83
36.	Greene, B.	3.91
37.	Boatwright	3.85
38.	Campbell, W	3.39
39.	Robbins	2.44
40.	Montoya	1.99

Integrity — Assembly

1.	Connelly	8.50	41.	Hayden	5.79
2.	Hannigan	7.98	42.	Chandler	5.77
3.	Eastin	7.83	43.	Waters, M.	5.75
4.	Sher	7.74	44.	Brown, D	5.73
5.	Friedman	7.72	45.	Quackenbush	5.72
6.	Campbell, R.	7.63	46.	Frizzelle	5.70
7.	Margolin	7.60	47.	Hauser	5.69
8.	O'Connell	7.53	48.	Leslie	5.68
9.	Seastrand	7.51	49.	Waters, N.	5.68
10.	Johnston	7.46	50.	Epple	5.57
11.	Vasconcellos	7.38	51.	Burton	5.53
12.	Killea	7.24	52.	Polanco	5.52
13.	Lempert	7.22	53.	Tucker	5.50
14.	Speier	7.18	54.	Katz	5.49
15.	Lancaster	7.16	55.	Woodruff	5.48
16.	Bates	7.09	56.	Ferguson	5.41
17.	Bader	7.03	57.	Eaves	5.30
18.	Farr	7.01	58.	Elder	5.08
19.	Roybal-Allard	6.97	59.	Areias	5.08
20.	Bronzan	6.96	60.	Mountjoy	5.00
21.	Frazee	6.87	61.	Floyd	4.91
22.	Isenberg	6.83	62.	Moore	4.88
23.	Baker	6.82	63.	Calderon	4.85
24.	Jones	6.73	64.	Felando	4.84
25.	Tanner	6.72	65.	Klehs	4.73
26.	Statham	6.70	66.	Brown, W.	4.69
27.	Hansen	6.64	67.	Chacon	4.69
28.	Filante	6.36	68.	Costa	4.54
29.	Kelley	6.34	69.	Condit	4.53
30.	Cortese	6.34	70.	Pringle	4.48
31.	Harvey	6.19	71.	Mojonnier	4.46
32.	Harris	6.18	72.	Nolan	4.37
33.	Hughes	6.17	73.	Peace	4.31
34.	McClintock	6.05	74.	Wright	4.25
35.	Clute	6.02	75.	Roos	4.18
36.	Bentley	5.99	76.	Hill	3.95
37.	Allen	5.92	77.	Lewis	3.70
38.	Johnson	5.87	78.	Bane	3.62
39.	Wyman	5.87	79.	Murray	3.53
40.	LaFollette	5.86			

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accurate gauge of the state's lawmakers. One can argue with relative positions; that legislator "A" should have finished ahead of legislator "B." But we think there are few who would say that someone ranked in the bottom 10 percent should really have been in the top 10 percent. In fact, the survey passes the "common sense" test: Most legislators rank near where most legislative observers think they should. Furthermore, the results from among the four groups surveyed were remarkably consistent. The legislators who ranked near the top among staff members also ranked near the top among the press corps, lobbyists and their colleagues.

Filling out the *Journal* survey was a daunting task. There were more than 830 items to mark. More than 1570 surveys were distributed, and some 220 were returned, or 14 percent of the total. The legislators themselves had the highest return rate, with some 17.6 percent returning surveys. Lobbyists had the lowest return rate at 12.4 percent.

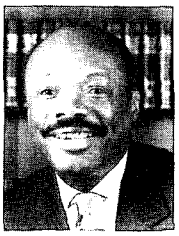
The seven categories were:

- Integrity. Who sticks by his or her principles, is honest, trustworthy and does what he or she promises?
- Intelligence. Who is the smartest, regardless of how that talent might be used?
- Effectiveness. Who has the power to get things done and bend the legislative process to his or her will?

Intelligence — Senate

1.	Kopp	8.15
2.	Petris	8.08
3.	Roberti	8.07
4.	Keene	8.01
5.	Hart	8.01
6.	Maddy	7.89
7.	Robbins	7.50
8.	Seymour	7.48
9.	Presley	7.43
10.	Torres	7.38
11.	Morgan	7.25
12.	Bergeson	7.22
13.	Lockyer	7.14
14.	Boatwright	7.09
15.	Beverly	7.06
16.	Leonard	7.05
17.	Stirling	7.00
18.	Garamendi	6.92
19.	Campbell, W.	6.79
20.	Alquist	6.74
21.	Greene, L.	6.51
22.	Craven	6.41
23.	Davis	6.37
24.	Doolittle	6.34
25.	Dills	6.15
26.	McCorquodale	5.98
27.	Deddeh	5.59
28.	Watson	5.59
29.	Vuich	5.55
30.	Russell	5.53
31.	Rosenthal	5.47
32.	Mello	5.46
33.	Royce	5.34
34.	Nielsen	5.05
35.	Marks	5.01
36.	Ayala	4.84
37.	Montoya	4.44
38.	Rogers	4.09
39.	Greene, B.	3.84
40.	Green, C.	3.73

Intelligence — Assembly



1.	Brown, W.	9.41	41.	Klehs	5.90
2.	Isenberg	8.76	42.	Tanner	5.88
3.	Connelly	8.60	43.	Killea	5.82
4.	Sher	8.60	44.	Bane	5.82
5.	Baker	8.30	45.	Roybal-Allard	5.71
6.	Friedman	8.25	46.	Hauser	5.59
7.	Vasconcellos	8.07	47.	Elder	5.58
8.	Margolin	8.03	48.	Brown, D.	5.53
9.	Hannigan	7.97	49.	Polanco	5.47
10.	Eastin	7.84	50.	Areias	5.44
11.	Bronzan	7.82	51.	Felando	5.44
12.	Waters, M.	7.73	52.	Lewis	5.43
13.	Roos	7.73	53.	Frazee	5.36
14.	Katz	7.73	54.	Cortese	5.31
15.	Johnston	7.60	55.	Eaves	5.27
16.	Speier	7.35	56.	Quackenbush	5.24
17.	Hayden	7.34	57.	Harvey	5.18
18.	Peace	7.30	58.	Moore	5.15
19.	Harris	7.29	59.	Tucker	5.06
20.	Nolan	7.19	60.	Bentley	5.04
21.	O'Connell	7.13	61.	Chandler	4.96
22.	Johnson	7.08	62.	Hughes	4.96
23.	Filante	6.93	63.	Kelley	4.96
24.	Burton	6.86	64.	Wyman	4.95
25.	Campbell, R.	6.82	65.	Epple	4.84
26.	Lempert	6.65	66.	Woodruff	4.83
27.	Hansen	6.38	67.	Pringle	4.70
28.	Farr	6.36	68.	Waters, N.	4.69
29.	Hill	6.36	69.	Leslie	4.62
30.	Bader	6.36	70.	Mountjoy	4.36
31.	Jones	6.32	71.	LaFollette	4.34
32.	McClintock	6.31	72.	Allen	4.31
33.	Costa	6.28	73.	Mojonnier	4.28
34.	Statham	6.17	74.	Frizzelle	4.05
35.	Seastrand	6.12	75.	Wright	4.01
36.	Bates	6.08	76.	Clute	3.89
37.	Calderon	6.07	77.	Murray	3.69
38.	Condit	6.07	78.	Ferguson	3.49
39.	Lancaster	6.04	79.	Chacon	3.35
40.	Floyd	5.99			

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- Energy. Who puts the most effort into the job?
- Conviviality. Who is the nicest to be around, can ease tensions and enliven a boring afternoon?
- Flexibility. Who is willing to compromise and alter his or her position in the interest of solving a problem?
- Potential. Who can move up the political ladder?

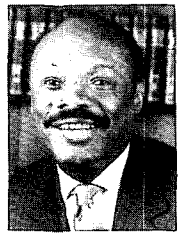
The survey was distributed following the close of the legislative session last Fall. There were 119 people in the Senate and Assembly then. The 76th Assembly district seat was vacant because of the death of Republican William Bradley. Since then, he has been replaced by Republican Tricia Hunter. In addition, Democrat Gary Condit of Ceres has been elected to Congress and been replaced by Democrat Sal Canella. Also, Republican Larry Stirling resigned to take a seat on the San Diego Municipal Court and has been replaced by Assembly Democrat Lucy Killea. Republican Senator William Campbell resigned to become president of the California Manufacturers Association.

In many ways, the results were predictable. Democrats, who control both houses of the Legislature, are regarded as the more effective lawmakers. After all, they dominate the committee system and are in positions to enforce their wills. Legislators with long seniority, or those who head important committees, are also perceived as having more clout. Effec-

Effectiveness — Senate

1.	Roberti	8.42
2.	Presley	8.22
3.	Maddy	7.92
4.	Alquist	7.32
5.	Hart	7.27
6.	Keene	7.21
7.	Bergeson	7.06
8.	Seymour	6.90
9.	Morgan	6.69
10.	Lockyer	6.57
11.	Kopp	6.54
12.	Petris	6.53
13.	Beverly	6.52
14.	Robbins	6.49
15.	Dills	6.47
16.	Campbell, W.	6.30
17.	Garamendi	6.25
18.	Mello	6.23
19.	Torres	6.19
20.	Boatwrigh	6.13
21.	Leonard	5.95
22.	Davis	5.87
23.	Craven	5.87
24.	Vuich	5.85
25.	McCorquod	5.80
26.	Ayala	5.51
27.	Greene, L.	5.47
28.	Rosenthal	5.42
29.	Deddeh	5.36
30.	Watson	5.28
31.	Stirling	5.25
32.	Russell	5.09
33.	Doolittle	4.99
34.	Nielsen	4.73
35.	Marks	4.41
36.	Royce	4.26
37.	Green, C.	3.96
38.	Rogers	3.84
39.	Greene, B.	3.69
40.	Montoya	3.60

Effectiveness — Assembly



1.	Brown, W.	8.73
2.	Isenberg	7.83
3.	Roos	7.83
4.	Hannigan	7.69
5.	Baker	7.56
6.	Bronzan	7.49
7.	Waters, M.	7.47
8.	Katz	7.37
9.	Vasconcellos	7.29
10.	Johnston	7.19
11.	Connelly	6.97
12.	Eastin	6.93
13.	Margolin	6.88
14.	Sher	6.78
15.	Speier	6.74
16.	O'Connell	6.58
17.	Costa	6.45
18.	Harris	6.39
19.	Johnson	6.27
20.	Bane	6.21
21.	Hansen	6.04
22.	Tanner	6.01
23.	Friedman	5.98
24.	Campbell, R.	5.96
25.	Nolan	5.94
26.	Burton	5.70
27.	Klehs	5.60
28.	Cortese	5.57
29.	Bader	5.55
30.	Polanco	5.52
31.	Lancaster	5.44
32.	Jones	5.43
33.	Hauser	5.42
34.	Farr	5.41
35.	Killea	5.37
36.	Filante	5.35
37.	Waters, N.	5.35
38.	Hughes	5.31
39.	Statham	5.17
40.	Moore	5.17
41.	Roybal-Allard	5.08
42.	Hill	5.05
43.	Elder	5.03
44.	Floyd	5.01
45.	Areias	4.87
46.	Condit	4.85
47.	Lempert	4.77
48.	Quackenbush	4.75
49.	Calderon	4.67
50.	Frazee	4.61
51.	McClintock	4.56
52.	Peace	4.54
53.	Eaves	4.49
54.	Harvey	4.46
55.	Hayden	4.45
56.	Felando	4.41
57.	Bates	4.40
58.	Seastrand	4.33
59.	Kelley	4.30
60.	Clute	4.25
61.	Mojonnier	4.17
62.	Bentley	4.10
63.	Tucker	4.03
64.	Epple	4.02
65.	Leslie	4.01
66.	LaFollette	4.01
67.	Allen	3.92
68.	Chandler	3.82
69.	Woodruff	3.77
70.	Wright	3.68
71.	Mountjoy	3.64
72.	Wyman	3.63
73.	Chacon	3.54
74.	Frizzelle	3.52
75.	Pringle	3.39
76.	Brown, D.	3.36
77.	Murray	3.27
78.	Lewis	3.01
79.	Ferguson	2.76

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tiveness also went hand-in-hand with other traits, most often intelligence and energy.

It is no surprise, for example, that Assembly Speaker Willie Brown was judged the most effective member of his house, or that Senate President pro Tempore David Roberti was the most effective in his. Both lawmakers also ranked high in intelligence. Indeed, Speaker Brown dominated that category as did no one else in any category.

But just because someone ranked high in these categories did not mean he or she scored well everywhere. In fact, both Roberti and Brown scored significantly lower on the integrity scale. Roberti was 14th, almost a point and a half below top-ranked Senator Gary Hart, and Willie Brown rated 66th, nearly four points below the leader in this category — Sacramento Democrat Lloyd Connelly. The drop-off in this area for the two leaders raises the possibility that if one stands too strongly on principle, one cannot become a leader of the Legislature.

Interestingly, the obverse is apparently not true. Those who were judged to have the best integrity are also considered fairly effective. Hart ranked fifth in effectiveness and Connelly 11th. Riverside Senator Robert Presley was second in both categories, and Fairfield's Tom Hannigan, the Assembly majority leader, ranked second in integrity and fourth in

Energy — Senate

1.	Kopp	7.76
2.	Presley	7.59
3.	Roberti	7.55
4.	Seymour	7.55
5.	Hart	7.53
6.	Garamendi	7.45
7.	Bergeson	7.35
8.	Leonard	7.15
9.	Morgan	7.14
10.	Keene	6.97
11.	Robbins	6.92
12.	Torres	6.91
13.	Doolittle	6.75
14.	Maddy	6.74
15.	Stirling	6.63
16.	Lockyer	6.56
17.	Petris	6.39
18.	Watson	6.29
19.	McCorquodale	6.28
20.	Boatwright	6.18
21.	Russel	5.88
22.	Davis	5.86
23.	Rosenthal	5.86
24.	Greene, L.	5.77
25.	Vuich	5.64
26.	Campbell, W.	5.60
27.	Nielsen	5.37
28.	Beverly	5.33
29.	Mello	5.27
30.	Rogers	5.13
31.	Ayala	5.09
32.	Alquist	5.09
33.	Royce	5.08
34.	Dills	4.98
35.	Craver	4.80
36.	Deddeh	4.75
37.	Green, C.	4.46
38.	Marks	4.34
39.	Montoya	4.32
40.	Greene, B.	3.55

Energy — Assembly

1.	Brown, W.	8.82	41.	Hauser	5.81
2.	Connelly	8.79	42.	Leslie	5.73
3.	Waters, M.	8.45	43.	Calderon	5.72
4.	Vasconcellos	8.22	44.	Condit	5.72
5.	Eastin	8.09	45.	Statham	5.71
6.	Isenberg	8.07	46.	Harvey	5.68
7.	Katz	7.95	47.	Tanner	5.67
8.	Baker	7.85	48.	Elder	5.65
9.	Bronzan	7.84	49.	Hughes	5.60
10.	Margolin	7.82	50.	Moore	5.48
11.	Friedman	7.79	51.	Hill	5.46
12.	Speier	7.54	52.	Cortese	5.45
13.	Campbell, R.	7.42	53.	Wyman	5.40
14.	Hannigan	7.40	54.	Wright	5.35
15.	Johnston	7.31	55.	Quackenbush	5.34
16.	Roos	7.28	56.	Allen	5.29
17.	O'Connell	7.25	57.	Clute	5.20
18.	Peace	7.18	58.	Pringle	5.16
19.	Lempert	7.17	59.	Woodruff	5.16
20.	Hansen	7.13	60.	Tucker	5.11
21.	Sher	7.13	61.	Felando	5.01
22.	Johnson	6.93	62.	Waters, N.	4.98
23.	Floyd	6.87	63.	Lancaster	4.94
24.	Nolan	6.81	64.	LaFollette	4.88
25.	Hayden	6.74	65.	Mojonnier	4.88
26.	Harris	6.46	66.	Eaves	4.87
27.	Filante	6.40	67.	Epple	4.86
28.	McClintock	6.35	68.	Frazee	4.79
29.	Costa	6.28	69.	Kelley	4.76
30.	Farr	6.26	70.	Seastrand	4.74
31.	Bader	6.20	71.	Mountjoy	4.72
32.	Roybal-Allard	6.18	72.	Chandler	4.69
33.	Polanco	6.13	73.	Ferguson	4.66
34.	Areias	6.09	74.	Brown, D.	4.45
35.	Bates	6.07	75.	Frizzelle	4.40
36.	Jones	6.04	76.	Chacon	4.03
37.	Klehs	5.98	77.	Bane	3.97
38.	Burton	5.98	78.	Lewis	3.92
39.	Killea	5.97	79.	Murray	3.74
40.	Bentley	5.85			

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effectiveness.

While it's clear that a high score in integrity is laudable, the meaning of responses in other categories is less than clear. For example, is it a virtue to rank high in flexibility? Clearly, too little flexibility — being an ideologue who won't compromise — makes one an ineffective legislator. But there are times when one should stand on principle. Being too flexible perhaps indicates an abandonment of principle.

And what should be made of the conviviality category? The ability to get along with one's colleagues — to be a nice person that others want to help — can clearly be an advantage at times in the legislative process. But some lawmakers who scored near the bottom in conviviality, Senator Alan Robbins for example, ranked fairly high on effectiveness.

Assessing potential is also difficult. For those already in legislative leadership positions, "up" means running for statewide office. Yet, the skills needed for legislative leadership are not necessarily those that appeal to the electorate. Neither Brown (23rd) nor Roberti (11th), for example, were among those judged to have the most potential. Instead, Senate honors went to Hart, who has run unsuccessfully for Congress, and to Fresno Assemblyman Bruce Bronzan. Bronzan is often mentioned as a potential candidate for speaker, or for statewide office.

Flexibility — Senate

1.	Maddy	6.99
2.	Beverly	6.66
3.	Craven	6.59
4.	Campbell, W.	6.58
5.	Seymour	6.53
6.	Presley	6.40
7.	Roberti	6.25
8.	Robbins	6.24
9.	Bergeson	6.23
10.	Morgan	6.23
11.	Mello	6.09
12.	Keene	6.08
13.	Garamendi	6.05
14.	Green, C.	5.97
15.	Deddeh	5.93
16.	Dills	5.93
17.	Torres	5.91
18.	Hart	5.88
19.	McCorquodale	5.79
20.	Montoya	5.74
21.	Davis	5.67
22.	Lockyer	5.63
23.	Ayala	5.61
24.	Marks	5.52
25.	Rosenthal	5.45
26.	Vuich	5.43
27.	Kopp	5.37
28.	Petris	5.36
29.	Boatwright	5.24
30.	Alquist	5.22
31.	Nielsen	4.95
32.	Leonard	4.93
33.	Watson	4.81
34.	Russell	4.28
35.	Greene, L.	4.27
36.	Greene, B.	4.24
37.	Stirling	4.23
38.	Royce	4.13
39.	Rogers	3.98
40.	Doolittle	3.08

Flexibility — Assembly

1.	Brown, W.	7.32
2.	Bronzan	6.72
3.	Roos	6.66
4.	Johnston	6.65
5.	Hannigan	6.63
6.	O'Connell	6.61
7.	Costa	6.54
8.	Mojonnier	6.50
9.	Polanco	6.43
10.	Hansen	6.42
11.	Statham	6.39
12.	Tanner	6.38
13.	Killea	6.32
14.	Cortese	6.16
15.	Waters, N.	6.14
16.	Isenberg	6.13
17.	Hauser	6.11
18.	Clute	6.10
19.	Farr	6.04
20.	Quackenbush	5.99
21.	Eastin	5.98
22.	Katz	5.89
23.	Speier	5.89
24.	Eaves	5.88
25.	Filante	5.88
26.	Campbell, R.	5.84
27.	Calderon	5.82
28.	Klehs	5.81
29.	Condit	5.81
30.	Margolin	5.80
31.	Areias	5.78
32.	Epple	5.72
33.	Bader	5.68
34.	Tucker	5.68
35.	Chacon	5.67
36.	Harvey	5.66
37.	Lancaster	5.64
38.	Moore	5.60
39.	Harris	5.59
40.	Jones	5.54
41.	Sher	5.45
42.	Lempert	5.39
43.	Murray	5.37
44.	Elder	5.37
45.	Roybal-Allard	5.34
46.	Baker	5.26
47.	Frazee	5.18
48.	Hill	5.14
49.	Connelly	5.13
50.	Bane	5.11
51.	Bentley	5.06
52.	Hughes	5.05
53.	Friedman	5.00
54.	Kelley	4.89
55.	Vasconcellos	4.86
56.	Nolan	4.75
57.	Burton	4.73
58.	Peace	4.67
59.	Chandler	4.62
60.	Bates	4.61
61.	Allen	4.60
62.	Seastrand	4.48
63.	Wright	4.46
64.	Floyd	4.43
65.	Leslie	4.40
66.	Johnson	4.37
67.	Woodruff	4.35
68.	LaFollette	4.28
69.	Pringle	4.20
70.	Hayden	4.19
71.	Felando	4.06
72.	Waters, M.	4.04
73.	Frizzelle	3.77
74.	Mountjoy	3.31
75.	McClintock	3.07
76.	Wyman	2.93
77.	Lewis	2.68
78.	Brown, D.	2.50
79.	Ferguson	2.20

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While several Senate Republicans were thought to have good potential for advancement — Ken Maddy of Fresno, John Seymour of Anaheim, Marian Bergeson of Newport Beach, Rebecca Morgan of Los Altos Hills and William Leonard of Big Bear Lake were in the top 10 — only one Assembly Republican — William Baker of Danville — made the top 10.

Also not surprising was the low scores for former Senator Joseph Montoya, who ranked at the bottom of the pile for integrity, effectiveness and potential. The survey was conducted after he had been indicted for extortion as part of an FBI investigation. Others who have been named as possible targets of that investigation — Republican Assemblymen Frank Hill and Pat Nolan are the most prominant examples — also suffered in the ratings.

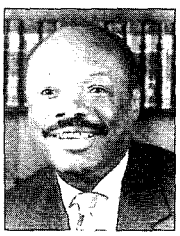
Developing a composite category for the overall best legislator was also a difficult task. Which of the seven criteria really mattered, and how much should each be weighted. Is it more important to have integrity than to be effective? Can having loads of energy compensate for a lack of intelligence?

In the end, we measured only four categories — effectiveness, integrity, energy and intelligence — and gave each equal footing. Using these criteria, the overall best senator was Riverside's Presley, who currently serves as chairman of the

Conviviality — Senate

1.	Campbell, W.	7.94
2.	Maddy	7.49
3.	Petris	6.98
4.	Presley	6.94
5.	Beverly	6.78
6.	Craven	6.69
7.	Torres	6.41
8.	Hart	6.38
9.	Morgan	6.34
10.	Davis	6.34
11.	Seymour	6.21
12.	Bergeson	6.13
13.	Leonard	6.01
14.	Dills	5.94
15.	McCorquodale	5.76
16.	Rosenthal	5.74
17.	Robert	5.62
18.	Keene	5.59
19.	Mello	5.54
20.	Ayala	5.48
21.	Deddeh	5.43
22.	Vuich	5.41
23.	Garamendi	5.38
24.	Rogers	5.33
25.	Nielsen	5.30
26.	Russell	5.27
27.	Kopp	5.20
28.	Alquist	5.18
29.	Watson	5.07
30.	Green, C.	5.05
31.	Lockyer	4.99
32.	Royce	4.48
33.	Boatwright	4.23
34.	Stirling	4.10
35.	Marks	3.97
36.	Robbins	3.83
37.	Doolittle	3.77
38.	Greene, B.	3.61
39.	Montoya	3.48
40.	Greene, L.	3.24

Conviviality — Assembly



1.	Brown, W.	8.04	41.	Waters, N.	5.50
2.	Hansen	7.20	42.	Cortese	5.49
3.	Harvey	7.14	43.	Burton	5.47
4.	Roos	7.08	44.	Calderon	5.41
5.	O'Connell	6.99	45.	Hauser	5.39
6.	Baker	6.98	46.	Clute	5.34
7.	Bronzan	6.96	47.	Eaves	5.25
8.	Johnston	6.84	48.	Frazee	5.19
9.	Hannigan	6.82	49.	Tucker	5.17
10.	Mojonnier	6.81	50.	Epple	5.15
11.	Campbell, R.	6.74	51.	Johnson	5.13
12.	Polanco	6.71	52.	Klehs	5.05
13.	Nolan	6.45	53.	Filante	4.93
14.	Speier	6.39	54.	Chandler	4.88
15.	Isenberg	6.36	55.	Moore	4.86
16.	Areias	6.36	56.	Kelley	4.83
17.	Tanner	6.35	57.	Allen	4.82
18.	Statham	6.34	58.	Leslie	4.81
19.	Eastin	6.31	59.	Hughes	4.67
20.	Farr	6.22	60.	Waters, M.	4.60
21.	Bader	6.10	61.	Vasconcellos	4.59
22.	Margolin	6.04	62.	Pringle	4.51
23.	Quackenbush	5.97	63.	LaFollette	4.44
24.	Sher	5.91	64.	Woodruff	4.39
25.	Lancaster	5.88	65.	Murray	4.35
26.	Connelly	5.88	66.	Elder	4.33
27.	Friedman	5.86	67.	Chacon	4.31
28.	Condit	5.83	68.	Frizzelle	4.31
29.	Seastrand	5.81	69.	Wright	4.23
30.	Floyd	5.69	70.	Hayden	4.16
31.	Jones	5.69	71.	Mountjoy	4.16
32.	Katz	5.68	72.	Peace	4.12
33.	Costa	5.67	73.	McClintock	3.91
34.	Harris	5.66	74.	Felando	3.88
35.	Lempert	5.65	75.	Brown, D.	3.72
36.	Hill	5.62	76.	Bane	3.60
37.	Bentley	5.61	77.	Wyman	3.48
38.	Bates	5.60	78.	Ferguson	3.36
39.	Killea	5.59	79.	Lewis	3.10
40.	Roybal-Allard	5.56			

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Senate Appropriations Committee. Presley is a middle-of-the-road Democrat who has diligently authored a number of unpopular measures, including construction of new prisons and the state's automobile-inspection program. Presley narrowly outpointed Hart and Roberti in the overall rankings.

But while Presley's top ranking is not surprising — he is, after all, in the mainstream of his house — the results in the Assembly were more difficult to anticipate. Sacramento's Lloyd Connelly heads only the low-profile Committee on Aging and Long Term Care. He is also considered more liberal than most of his Assembly colleagues, and he takes on a variety of unpopular causes. Indeed, his standing on effectiveness (11th) was his lowest. But he scored very high in the other three categories and was more than a half-point ahead of anyone else in integrity.

While one might have expected the Democrats, who dominate both houses, to do better in the effectiveness category than Republicans, they dominated other categories as well. In part this could have been due to the fact that many more Democratic partisans, among the legislators themselves or among the staff members, received surveys. But the pattern held true among lobbyists and members of the press as well.

It was particularly pronounced in the Assembly. While

Potential — Senate

1.	Hart	7.29
2.	Maddy	7.05
3.	Bergeson	7.05
4.	Seymour	6.89
5.	Morgan	6.81
6.	Presley	6.54
7.	Leonard	6.09
8.	Kopp	6.09
9.	Garamendi	5.90
10.	Keene	5.88
11.	Roberti	5.44
12.	Lockyer	5.10
13.	Stirling	4.97
14.	Doolittle	4.92
15.	Beverly	4.83
16.	Petris	4.69
17.	McCorquodale	4.63
18.	Campbell, W.	4.63
19.	Torres	4.55
20.	Robbins	4.53
21.	Boatwright	4.48
22.	Davis	4.45
23.	Nielsen	4.01
24.	Watson	3.99
25.	Vuich	3.95
26.	Mello	3.94
27.	Royce	3.84
28.	Russell	3.84
29.	Craven	3.69
30.	Alquist	3.58
31.	Rosenthal	3.51
32.	Deddeh	3.51
33.	Ayala	3.50
34.	Rogers	3.31
35.	Greene, L.	3.27
36.	Dills	3.05
37.	Green, C.	2.81
38.	Marks	2.76
39.	Greene, B.	2.24
40.	Montoya	1.70

Potential — Assembly

1.	Bronzan	7.54	41.	Filante	4.40
2.	Isenberg	7.45	42.	Tucker	4.36
3.	Johnston	7.44	43.	Peace	4.35
4.	Hannigan	7.44	44.	Cortese	4.34
5.	Eastin	7.26	45.	McClintock	4.31
6.	Katz	7.20	46.	Nolan	4.30
7.	Connelly	6.93	47.	Burton	4.19
8.	Speier	6.84	48.	Eaves	4.18
9.	Baker	6.83	49.	Frazee	4.18
10.	O'Connell	6.59	50.	Elder	4.06
11.	Harris	6.55	51.	Woodruff	4.04
12.	Condit	6.50	52.	Lancaster	4.01
13.	Hansen	6.47	53.	Leslie	4.00
14.	Margolin	6.37	54.	Hill	3.99
15.	Waters, M.	6.26	55.	Floyd	3.96
16.	Roos	6.06	56.	Moore	3.93
17.	Jones	5.88	57.	Bates	3.90
18.	Friedman	5.85	58.	Kelley	3.88
19.	Bader	5.67	59.	Hughes	3.84
20.	Lempert	5.66	60.	Chandler	3.81
21.	Campbell, R.	5.57	61.	Epple	3.78
22.	Sher	5.53	62.	Pringle	3.63
23.	Brown, W.	5.50	63.	Mojonnier	3.62
24.	Bentley	5.44	64.	Clute	3.61
25.	Polanco	5.42	65.	LaFollette	3.61
26.	Quackenbush	5.42	66.	Waters, N.	3.60
27.	Areias	5.41	67.	Allen	3.48
28.	Roybal-Allard	5.37	68.	Felando	3.33
29.	Costa	5.31	69.	Frizzelle	3.30
30.	Statham	5.20	70.	Seastrand	3.25
31.	Vasconcellos	5.19	71.	Mountjoy	3.21
32.	Farr	5.13	72.	Bane	3.18
33.	Killea	5.04	73.	Wyman	3.08
34.	Klehs	5.01	74.	Wright	3.03
35.	Johnson	4.97	75.	Brown, D.	3.02
36.	Calderon	4.80	76.	Murray	2.98
37.	Hauser	4.71	77.	Chacon	2.81
38.	Harvey	4.61	78.	Ferguson	2.73
39.	Tanner	4.57	79.	Lewis	2.50
40.	Hayden	4.41			

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several Senate Republicans were ranked highly — Republicans for example got six of the top 10 spots for integrity and four of six for effectiveness — things were quite different for Assembly Republicans. Only one Republican, Danville's Bill Baker, finished in the top 10 for intelligence, effectiveness or energy. Only one, Eric Seastrand of Salinas, was in the top 10 in integrity. Furthermore, while Republicans in the Senate had four of the bottom 10 overall rankings, in the Assembly, Republicans occupied eight of the bottom 10 slots in the overall rankings.

Many of these Assembly Republicans came into the Legislature following the passage of property-tax cutting Proposition 13 in 1978. They ran for office on an anti-government platform that shapes their thinking 12 years later. They resist legislative initiatives. They want their colleagues to do less, not more. In light of that, perhaps it is not surprising that they don't fare well when they are measured by those who believe that government holds the answer to many of society's problems.

In fact, their dismal showing in this survey perhaps points out one of its weaknesses: It is only one measure of what makes a good legislator. Readers would be wise to consider these results alongside their own criteria for judging the performance of their elected representatives.

Overall — Senate

(Integrity + intelligence + energy + effectiveness/4)

1.	Presley	7.80
2.	Hart	7.72
3.	Roberti	7.68
4.	Bergeson	7.34
5.	Maddy	7.32
6.	Kopp	7.30
7.	Petris	7.19
8.	Morgan	7.16
9.	Seymour	7.07
10.	Keene	7.00
11.	Leonard	6.92
12.	Garamendi	6.64
13.	Alquist	6.44
14.	Davis	6.39
15.	Beverly	6.36
16.	Torres	6.34
17.	Lockyer	6.29
18.	McCorquodale	6.22
19.	Stirling	6.20
20.	Craver	6.10
21.	Vuich	6.06
22.	Russel	6.03
23.	Greene, L.	5.90
24.	Robbins	5.84
25.	Rosenthal	5.82
26.	Boatwright	5.81
27.	Dills	5.76
28.	Doolittle	5.73
29.	Mello	5.55
30.	Watson	5.54
31.	Campbell, W.	5.52
32.	Ayala	5.33
33.	Deddeh	5.31
34.	Royce	5.18
35.	Nielsen	5.09
36.	Rogers	4.83
37.	Marks	4.79
38.	Green, C.	4.28
39.	Greene, B.	3.75
40.	Montoya	3.59

Overall — Assembly

(Integrity + intelligence + energy + effectiveness/4)

1.	Connelly	8.21	41.	Cortese	5.67
2.	Brown, W.	7.91	42.	Polanco	5.66
3.	Isenberg	7.87	43.	Hauser	5.63
4.	Hannigan	7.76	44.	Klehs	5.55
5.	Vasconcellos	7.74	45.	Hughes	5.51
6.	Eastin	7.67	46.	Frazee	5.41
7.	Baker	7.63	47.	Harvey	5.38
8.	Margolin	7.58	48.	Areias	5.37
9.	Sher	7.56	49.	Elder	5.34
10.	Bronzan	7.53	50.	Calderon	5.33
11.	Friedman	7.43	51.	Condit	5.29
12.	Johnston	7.39	52.	Quackenbush	5.26
13.	Waters, M.	7.35	53.	Bentley	5.25
14.	Speier	7.20	54.	Hill	5.20
15.	Katz	7.13	55.	Waters, N.	5.17
16.	O'Connell	7.12	56.	Moore	5.17
17.	Campbell, R.	6.96	57.	Kelley	5.09
18.	Roos	6.76	58.	Leslie	5.01
19.	Harris	6.58	59.	Eaves	4.98
20.	Hansen	6.55	60.	Wyman	4.96
21.	Johnson	6.54	61.	Felando	4.93
22.	Lempert	6.45	62.	Tucker	4.92
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27.	Killea	6.10	67.	Woodruff	4.81
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30.	Tanner	6.07	70.	Brown, D.	4.77
31.	Burton	6.02	71.	Mojonnier	4.45
32.	Roybal-Allard	5.99	72.	Pringle	4.43
33.	Statham	5.93	73.	Mountjoy	4.43
34.	Bates	5.91	74.	Frizzelle	4.42
35.	Lancaster	5.89	75.	Wright	4.32
36.	Costa	5.89	76.	Ferguson	4.08
37.	Peace	5.83	77.	Lewis	4.02
38.	McClintock	5.82	78.	Chacon	3.90
39.	Floyd	5.70	79.	Murray	3.56
40.	Seastrand	5.68			

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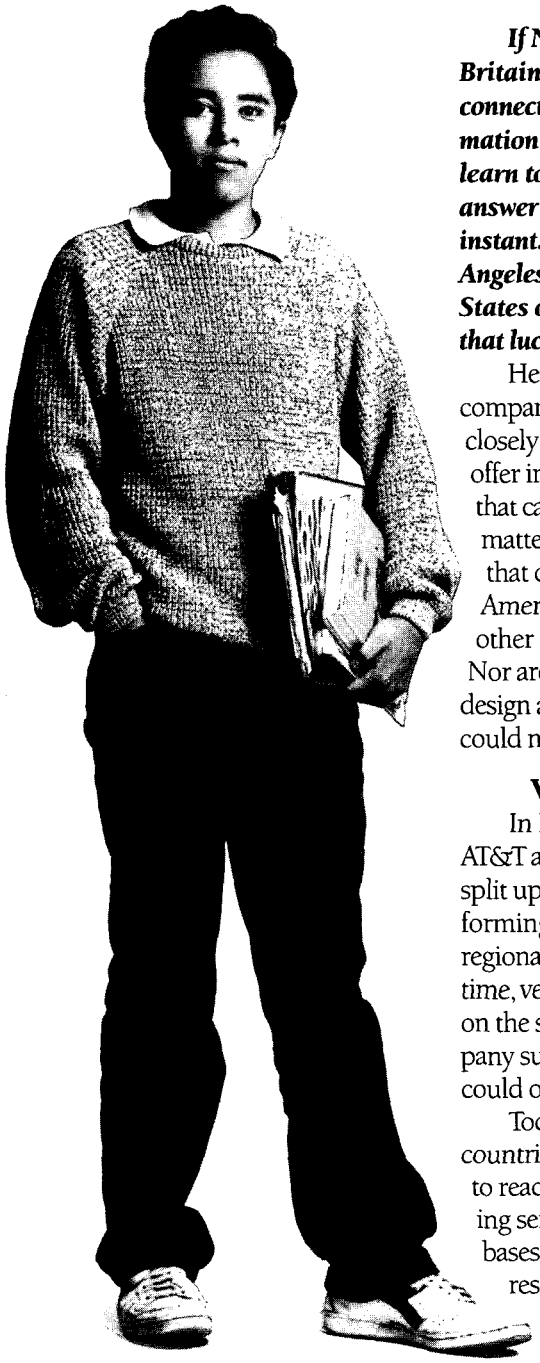

If Naason Sanchez lived in Great Britain, his telephone line could connect him to a computerized information service that would help him learn to solve math problems and answer geography questions in an instant. But Naason lives in Los Angeles, California—in the United States of America—and he isn't that lucky.

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In 1984, an agreement between AT&T and the U.S. Justice Department split up the nationwide Bell system, forming Pacific Telesis and six other regional holding companies. At that time, very narrow limits were imposed on the services that their phone company subsidiaries, like Pacific Bell, could offer.

Today, students in many other countries can use their phone systems to reach special computerized tutoring services, or they can access data bases that can help them do the research necessary to complete their homework assignments.

Meanwhile, here in America, it's a different story. These services are available, but only in limited locations, and at high cost. If the Bell companies could develop and provide these services, along with many others that people in other countries take for granted, they would become more widely available, and growth of this market would encourage more information providers to enter it.

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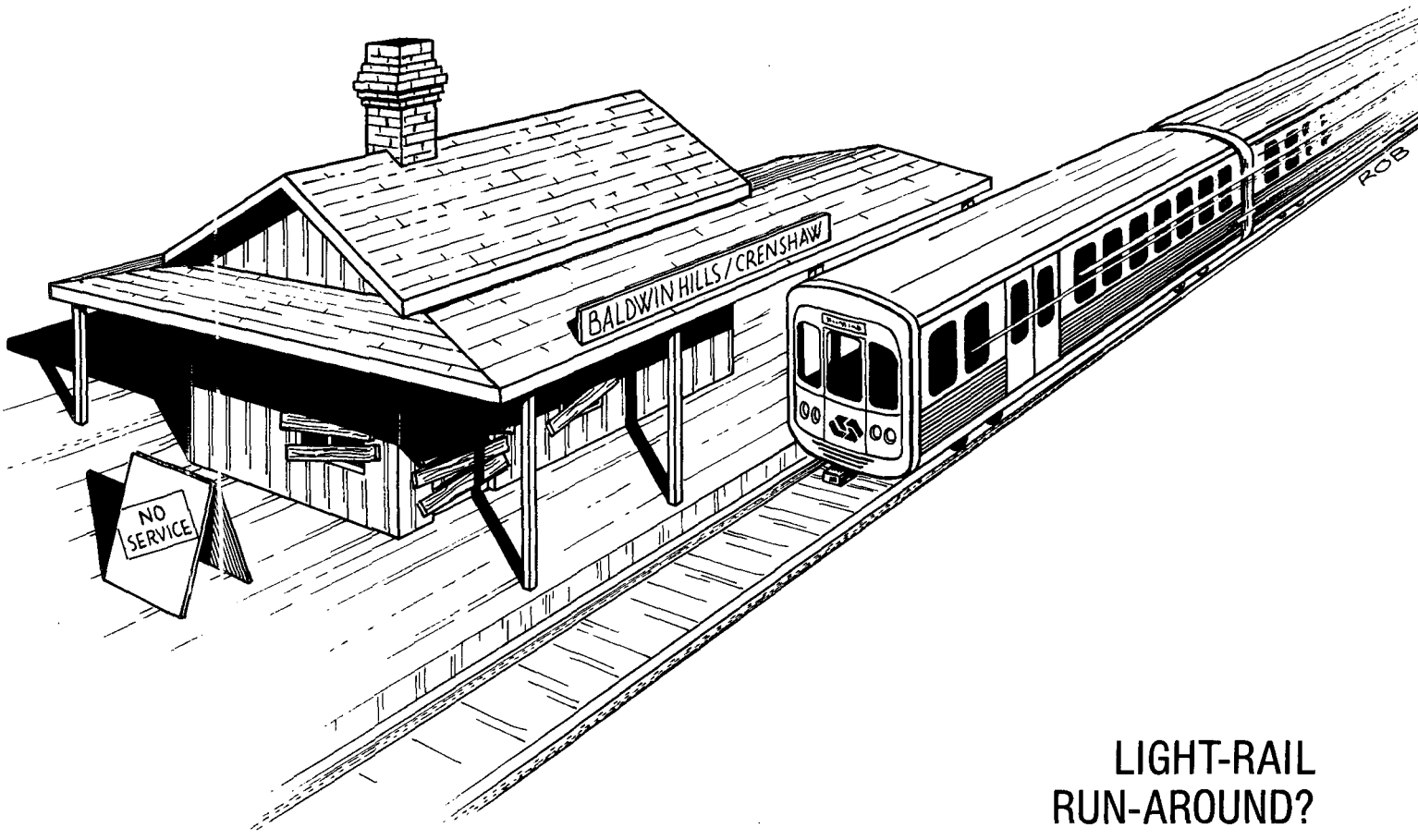

LIGHT-RAIL
RUN-AROUND?

Los Angeles transit line by-passes Blacks

By Tom Waldman

In Democratic Senator Diane Watson's district, the question is not whether the trains will run on time but whether will they run at all. At this moment the chances of the latter happening are only fair. While Southern Californians, from Pasadena to Long Beach, or Watts to Woodland Hills, prepare for the arrival of assorted Metro and Light Rail lines in the early 1990s, Watson's central and southwest Los Angeles constituents continue to save their bus fare.

Neither rapid-transit system is currently scheduled to serve the area. The closest route, which extends from Norwalk on the east to the southern tip of Watson's district at Los Angeles International Airport, will not be ready until 1993, if then.

The area had once been in the plans, noted Watson, but when the Reagan administration reduced federal transit moneys, routes in Los Angeles had to be cut.

Tom Waldman is a freelance writer from Los Angeles and a frequent contributor to California Journal.

It was then that the Black community Watson represents found out it "just didn't have the clout to fight the Westside and Valley politicians, who diverted Metro Rail their way — where it wasn't wanted or needed nearly as much."

Once off the map, getting back on is proving to be tough.

"The Los Angeles County Transportation Commission is not willing to take on the controversy of going off the map until we've met all the conditions of the [original] map," said Christine Reed, commission chair and a member of the Santa Monica City Council. The 12-member commission and the Southern California Rapid Transit District are responsible for allocating the funds that pay for the systems.

The consequences of by-passing the area, however, may be more than mere commuter inconvenience. The affluent Black communities of Baldwin Hills, Inglewood and Ladera Heights — which cover a large part of Watson's territory — could suffer economic erosion as merchants elsewhere enjoy the business generated by the expected train traffic.

With poorer Blacks already reeling from former Presi-

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dent Ronald Reagan's assault on domestic programs, the possibility of more bad news worries Watson. "A community that doesn't have [public] transportation is a community on its way out," she said.

Just beneath Watson's Crenshaw Boulevard office is a stop where gang members have been known to approach a parked bus and scar it with graffiti. The senator herself has on occasion witnessed these incidents and contacted police; at least one of those calls resulted in arrests.

A little further away, but still visible from the office, is a sprawling shopping center called the Baldwin Hills Crenshaw Plaza. With 55 current tenants, including the Broadway, the May Company and a state-of-the-art Sears — plus dozens of smaller businesses expected later — the plaza is one of the largest of its kind located in a predominantly Black community in the United States.

In quite different ways, both the mall and the troublemakers suggest to Watson the most important reasons for bringing Light Rail to her district. (A geological survey conducted under Crenshaw Boulevard revealed an excess of tar and natural gases, which effectively negated the possibility of an underground line in Watson's area. Hence, the move to Light Rail exclusively.)

When Watson says "The bus is a hazard to your health," she's not talking about inhaling ugly fumes, but the damage done by people such as those she watches from the window. One day they might be defacing a bus with paint or felt-tipped pens; the next they could well be physically and verbally harassing innocent riders. Watson said these acts have caused an ever-increasing number of her constituents to avoid bus travel altogether.

In terms of the mall, the hope is that trains will bring riders to the area. "We naturally want to maximize access to the mall and to a revitalized Crenshaw [district]," said Charles Stewart, Watson's chief deputy.

According to Andrew Natker, project developer for the Alexander Haagen Company, the former Crenshaw center, which opened in 1947, was the first regional mall in the western United States. It was successful until the early 1960s, when competition from newer malls caused residents to shop elsewhere.

"Our people were going to Beverly Hills, the San Fernando Valley, down towards Orange County," said Watson.

Some 25 years later, the Haagen Company and the Los Angeles Redevelopment Agency entered into a private-public partnership to revitalize the center at its original location. The new facility officially opened for business last Spring.

Projects of this sort are rare in predominantly Black communities of any income level; with the plaza's completion, job and business opportunities became available to people long denied easy access to the "market." In this way, the plaza's success has profound social as well as economic implications.

But the Crenshaw Boulevard location is at least 20 minutes from the nearest freeway — an eternity according to Southern California standards. By contrast, most of its major competitors are either visible from a freeway or situated within minutes of an off-ramp.

Without a well-positioned Light Rail station, the argument goes, the Crenshaw Plaza will suffer just as surely as its predecessor did. People from outside the community — vital for the plaza's long-term prospects — will naturally choose to shop at the more accessible malls.

For Watson's people, the probable deterioration that would result is a chilling thought, and they hope that transportation authorities get their message.

"This is a laboratory experiment in whether or not it's viable for mainstream Anglo developers to invest in Black communities," said Stewart, referring to the Crenshaw Plaza. "We want to load that experiment on the side of success."

By that he means installing a Light Rail system. But the four agencies that have influence in the matter — the RTD and the Los Angeles County Transportation Commission, which control the funds; and the Los Angeles County Board of Supervisors and the Los Angeles City Council, which have something to say about routes — do not, in Watson's view, seem to be much interested. Some council members, for example, apparently wish Watson would simply go away, telling her, "We have already worked out the routes, and why are you interfering?"

For the second time in the last five years, Watson has assembled a task force of 35 or so community representatives to lobby for inclusion in the rail network. Her first group was making great progress until outside interests, working on their own behalf, rendered its efforts useless. At that time the hope was for a Light Rail line that would originate at a Metro Rail stop on Wilshire Boulevard and extend south through the heart of the district.

Congressman Julian Dixon, former Los Angeles Councilman David Cunningham and other Black politicians made this something of a *cause celebre*. Their support was essential. Political pressure did much to decide how the original routes were drawn.

"We combined all of our forces and got them to build a [train] stop," said Watson. "Once we got them to agree, however, it opened up the opposition from the Wilshire Homeowners' Association, because they didn't want a turn-around station there."

The opponents talked publicly of the excessive traffic that would result. Watson believes they were also worried about lower property values — the standard argument given by Whites when a chance exists that Blacks will be coming to the neighborhood.

This time, however, the new arrivals would merely be getting on and off trains, not moving their families.

The homeowners subsequently gained the sympathy of Los Angeles' Democratic Congressman Henry Waxman, not a bad politician to enlist in any cause. Waxman decided to oppose the Wilshire line on the grounds that its construction would pose a hazard due to the methane gas buried beneath the La Brea Tar Pits. Waxman was able to kill federal funding for the route, which then had the residual effect of wiping out the rail link Watson and her allies had worked so hard to achieve.

The senator's disappointment with the result was only lessened by the realization that she garnered wide community support for the kind of issue that in the past would have gone largely unnoticed.

"This was the first time I saw minority people become interested in what would happen 30 or 40 years from now," she explained, "because too many of them are tied up with immediate issues."

Watson used the same argument with her constituents then that she uses today: "We don't need to make the same [transportation] mistakes again. We need to start planning."

Five years later, the traffic problems have only gotten worse. "We were able to convince enough people that if they did the planning now, their children and grandchildren would have it easier," said Watson.

The second task force is lobbying the Los Angeles County Transportation Commission to purchase a specific 14-mile set of tracks currently owned by Southern Pacific Railroad

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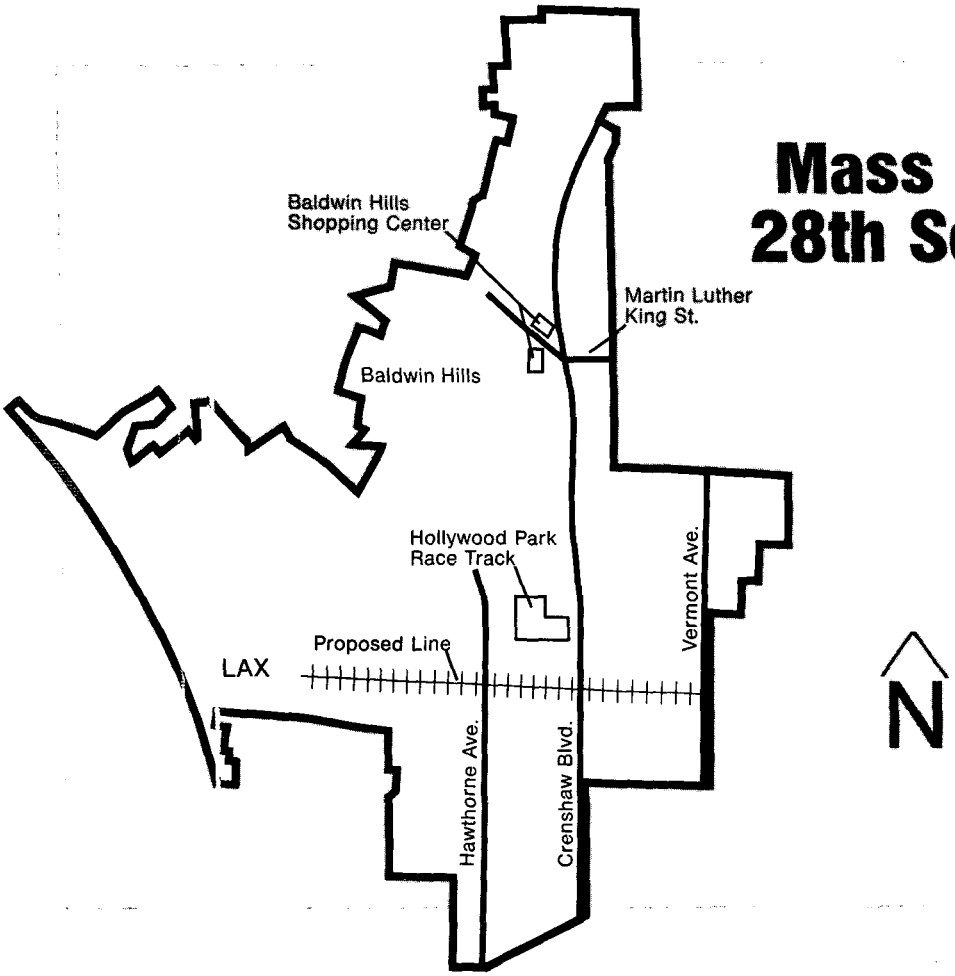
Mass Transit in the 28th Senate District



that extends from a Metro Rail station in downtown Los Angeles west to the ocean. This route bisects Watson's district, and could be a link to other lines built 10 years or so in the future. "What we are saying is purchase it out of sheer prudence," said Charles Stewart.

Southern Pacific has told the Transportation Commission, an appointed body consisting primarily of elected officials, to make a decision by the end of the year. If nothing is done, the railroad company will sell its property to the highest bidder.

The thinking is that any number of aggressive LA developers would love to make an offer, especially since the so-called Exposition Line travels through the wealthy community of Rancho Park, touches Westwood, and comes to a stop in trendy Santa Monica. The developers could tear up the tracks and build on some choice sites.

Still, Watson's forces have good reason to be optimistic: Reed, the commission chair, hails from Santa Monica, and her city is on record as supporting the acquisition.

But that does not settle the issue. Los Angeles City Council member Zev Yaroslavsky is backing constituents in Rancho Park who do not want the Exposition Line. Alisa Belinkoff Katz, the councilman's chief deputy, pointed out that the Light Rail system and its attendant stations would create both a noise pollution and traffic problem for homeowners in the area.

"It's well known that a surface rail line has an environmental impact," said Belinkoff Katz.

Residents have held a number of public meetings to register their opposition. Even so, Belinkoff Katz acknowledged that Yaroslavsky's options are limited. The commission's members, who include Yaroslavsky's rival, Los Angeles Mayor Tom Bradley, come from all over the county. As Reed points out, "It's a 14-mile corridor that would serve several cities desirous of the service. The commission would not allow one neighborhood to prevent it from going forward."

Councilman Nate Holden, whose district includes much of the proposed line, is calling for a compromise: Purchase the property, but re-route the trains around Westwood. He thinks this plan has the best chance of satisfying all parties.

Whatever happens, the Watson side will likely remain wary of the public transportation powers for a long time. To them, one of the most galling things has been the way the authorities seem to have kowtowed to the San Fernando Valley, much of which is ambivalent about the system.

"They don't want all these people coming from downtown into the Valley," said Watson. "The Valley is still a closed community. Remember the [school] busing issue?"

Currently the Valley is scheduled to get a Metro Rail extension sometime in the 1990s that would run to the northwest border, some 35 miles from downtown LA.

Meanwhile, Watson looks for other ways the transportation boom can aid the community. For example, she is considering introducing a bill to create transportation zones; people living in a defined area would be hired to service, maintain and build the various lines. It is another way the new rail systems could bring opportunity to neighborhoods that government and developers have largely forgotten during the 1980s. A mountaintop view of Los Angeles makes the point clearly; all the high-rise buildings are in the downtown area, Westwood and Century City.

"Inglewood wants growth, Crenshaw wants growth, we're dying for growth over here," said Stewart, "and we've got the land for it. But we don't have the transportation that makes it attractive to businesses and developers."

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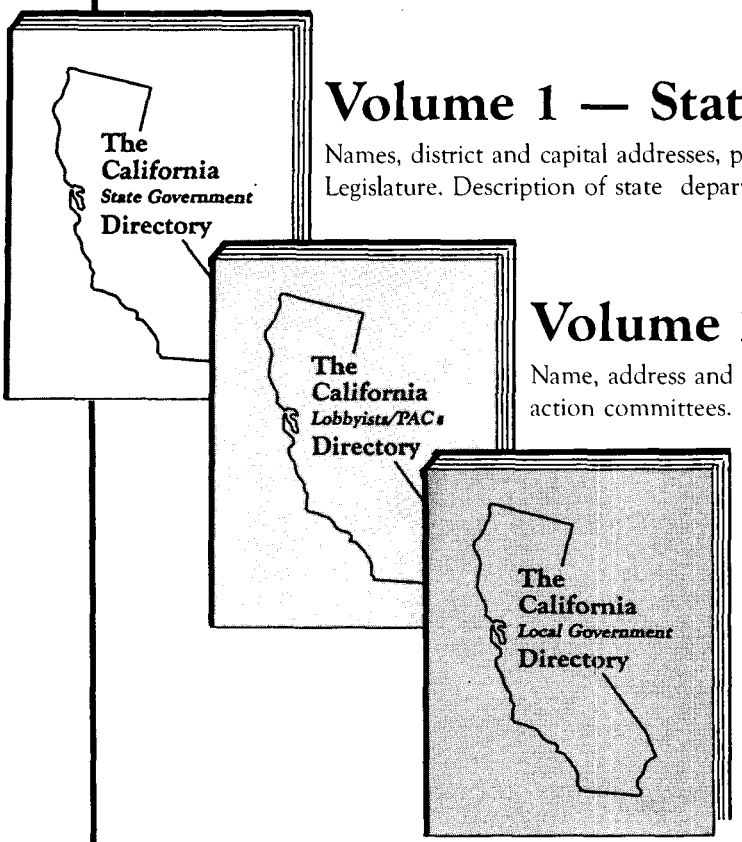
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Initiative wars

If you can't beat 'em, swamp 'em

By Bill Ainsworth

After years of fighting ballot measures by pouring money into opposition campaigns, industry has decided to take the initiative.

This year the timber and agricultural industries are sponsoring their own measures for the November ballot in the hope they can counter more stringent reform initiatives backed by environmental groups and liberal politicians.

The "counter-initiative" represents the latest industry strategy in its long-running battle with environmental groups. The new strategy is needed, political consultants and analysts say, because recent elections have shown that the traditional method industry has used to fight initiatives — spending large sums of money against them — no longer guarantees success.

"They're tired of sitting back and crossing their fingers and hoping the vote goes the right way," said Brian Lungren, a Republican political consultant. "This way they can be more active."

Bill Ainsworth, formerly of the Sacramento Union, *covers the Capitol for the* Recorder, *a legal daily in San Francisco.*

Of course, industry has long used the initiative as a way of gaining from the voters what it could not get from the Legislature. And in recent years, industry groups have squared off with competing initiatives — the most notorious recent example being the array of insurance measures on the November 1988 ballot.

But the emergence of an industry-backed initiative as a counter-measure to proposals by environmental groups is something new. And it opens lots of new possibilities for campaigns.

It's even possible that a counter-initiative can be a success — win or lose at the ballot box. If the industry initiative passes and wins more votes than its rival, it takes precedence. Backers of this strategy think there is a decent chance of this happening because industry measures will appeal to the same voters as the environmentalist's initiative and pull still more votes from moderates as well. This was the pattern when campaign reform Proposition 73 outpolled Proposition 68 which contained a provision calling for public financing of political campaigns.

Alternatively, the campaign in favor of the counter-measure could confuse voters so much that they defeat all measures.

"It's a shrewd strategy if it serves to confuse the voters

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and make the issues more complex," said Al Sokolow, a political science professor at the University of California at Davis who follows state politics. "Past research shows that when voters are confused, they're more likely to vote against a measure."

At the same time that it backs counter-measures, industry can still fund opposition campaigns against initiatives it dislikes.

"This gives them two rolls of the dice instead of one," said Leo McElroy, campaign manager for Forests Forever, the timber initiative sponsored by environmental groups.

Timber and agricultural representatives said they decided to sponsor their own initiatives because polls showed a public perception of a problem in forest preservation and food safety.

"So many times industry will find itself pushing against the times," said Kevin Eckery, a timber industry spokesman. "We decided to try to accommodate the public's desire for change, while at the same time accommodating their desire for wood."

Environmentalists see the situation differently. "Obviously they are not interested in any meaningful reforms," said Cecilia Lanman, a sponsor of Forests Forever.

Agricultural industry leaders met at least a dozen times to develop a strategy to fight the "Big Green" environmental initiative, backed by Attorney General John Van de Kamp and Assemblyman Tom Hayden, a Santa Monica Democrat.

Farmers fear the measure would devastate the state's agricultural industry by banning carcinogenic pesticides and placing new restrictions on other pesticides. Besides pesticides, the measure deals with a wide variety of issues, ranging from setting up an oil-spill fund to issuing $300 million in bonds to buy redwood forests.

"We decided that we just couldn't live with the Hayden-Van de Kamp initiative," said Bob Vice, president of the California Farm Bureau Federation. But polls told growers that pesticide safety was a hot issue. "We know that the public is concerned about food safety."

As a result, the farm bureau and 12 other food-industry groups decided to sponsor their own initiative for the November ballot.

The agricultural industry initiative does not ban pesticides. Instead, it would double pesticide residue tests conducted by the state Department of Food and Agriculture, fund new research into safe pesticides and institute a new worker-safety program.

Most political observers believe having a counter-initiative will make the campaign much easier for industry.

"It would be difficult to run a campaign against the Big Green initiative because it would seem like you're against the environment," said Lungren. "If you run a counter-initiative, you have a better chance of success."

The timber industry made a similar choice. Logging companies strongly oppose an initiative being sponsored by a coalition of environmental groups for the November ballot.

The Forests Forever initiative attempts to halt what environmentalists view as the over-cutting of the state's forests. The measure would issue $742 million in bonds to buy old-growth forests, eliminate clear-cutting, place more restrictions on logging and add more environmentalists and public members to the state Board of Forestry, which regulates logging.

In contrast, the timber industry initiative would issue $300 million in bonds to promote urban forestry and restore forests in existing parks. One key difference is that little of the money in the industry proposal would go to acquire timber

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company land.

The industry initiative would ban clear-cutting only in old-growth forests and reduce it by 50 percent in other forests.

"The '90s are the decade of the environment," said Eckery, vice president of the Timber Association of California, whose 52 members represent 80 percent of the logging capacity in the state. "We'd like to have a hand in designing the environmental reforms."

Some environmentalists have attacked counter-measures as an attempt by industry to fool the voters. Others welcome the counter-measure because it forces industry to divide its money. Agriculture, for example, has decided to concentrate on raising up to $6 million to pass its own initiative. That leaves responsibility for funding the campaign against Big Green to other industries.

"The risk of the strategy is that you've got to raise a lot more money," said David Townsend, a Democrat political consultant. "If you can't raise the money, you dilute your strength."

In addition, the industry counter-initiatives set up a clear contrast between industry and reformers.

"The environmental community already has credibility," said Bob Mulholland, director of Campaign California, the Hayden-backed group pushing Big Green. "All we have to do is figure out the strategy to get our message across. We just have to let voters know that these are the good guys and these are the bad guys."

Environmentalists say counter-measures help persuade voters of the need for environmental reform.

"It heightens the public consciousness that there is a problem," said McElroy, of Forests Forever. "Now you merely have to look at what the prescriptions are and who's prescribing them. It's going to be real obvious that the timber initiative is being promoted by the very guys that have created the abuses that caused the problem."

For that reason, McElroy believes the counter-initiative strategy won't work. After all, he said, the insurance industry tried the counter-initiative in November 1988 and lost by a landslide despite outspending opponents by a huge margin.

McElroy managed the campaigns against insurance-backed Propositions 101, 104 and 106 using a strategy attacking the motives of the industry.

"Our themes were: Who do you trust? Do you trust the industry being regulated? Or do you trust consumer groups?" he said.

Both McElroy and Mulholland plan to use similar themes in the campaign against the counter-initiatives.

The agricultural industry believes that it can rely on America's fondness for the family farm to overcome attacks on its credibility.

"The public views farmers as hard-working, basically honest people," said Vice. "We're not going to go out there and poison our children and poison ourselves."

In addition, agriculture plans to fight back by criticizing Big Green as nothing more than a surrogate campaign for Van de Kamp, who is running for governor.

Consultants from both camps say that the counter-initiative is a further example of the proliferation of initiatives. That means fewer decisions are left up to the Legislature and more passed on to the voters.

The increasing number of initiatives, they say, could spark a voter backlash that will work against all initiatives.

Professor Sokolow said that such a backlash would benefit industry: "I suspect that industry would be happier if both proposals fail and they get the status quo."

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Epic struggle over redwoods

By Teresa Simons

The hills around Scotia, a small company town some 250 miles north of San Francisco, are a patchwork of thick redwood forests, sparse stands of younger trees and areas where loggers have clear-cut all the trees in a stand, leaving only scabs of red dirt and blackened stumps.

Just about everyone who lives in the Humboldt County town of Scotia either works for or is related to someone who works for, Pacific Lumber Company. Tractor-trailers carrying huge chunks of tree trunk barrel down Highway 101. Pick-up trucks sport yellow ribbons on their antennae in support of local loggers, and bumper stickers contend that "Trees are America's renewable resource."

Inside the town's only coffee shop, Don Fish, a 31-year Pacific Lumber worker with tattoos on both his forearms and suspenders criss-crossing his back, drops a spoonful of milk shake into his vegetable soup as he looks over the table at a young sawmill worker. "If I was his age," says Fish, "I would be worried." And Ken Aust, who works for the nearby Eel River Sawmill Company, is worried. "Everybody's scared about their jobs," he says. "Most are fearing for their future, wondering how long the industry is going to last, with the environmentalists."

California has 11 counties, including Humboldt, in which the timber industry contributes 10 percent or more of all jobs. In Sierra County, 40 percent of all jobs are in timber; in Tehama County, the total is 20 percent. But Fish, Aust and some 69,000 workers can't be sure that, after Spring turns to Summer and Fall turns to Winter, they'll still be able to make a living chopping down old trees.

That's because there are other people who walk in these same woods and look upon wilderness in a vastly different way — people like Robert Sutherland, a former Haight-Ashbury hippie, movement organizer and Nobel Prize winner's son who has been active in environmental causes for more than 20 years. "Woods," as he calls himself, is at least as interested in protecting nature as he is in saving jobs. He wants to make sure that the ancient redwoods, many of them alive since before the birth of Jesus, continue to live, and that the spotted owl and other rare species making their homes in old growth continue to survive. "No one can dispute that the owls no longer occur in vast numbers of areas because their habitat has disappeared, has been destroyed by logging," he says angrily.

In what is just the latest episode in a years-long battle between loggers and environmentalists, two separate initiatives that would dramatically alter logging practices for ancient redwoods and other old-growth forests have been proposed for the November 1990 ballot. One was written by Sutherland and his Garberville-based Environmental Protection Information Center (EPIC), and the other by a coalition of Democratic politicians and environmentalists. The sponsors of both initiatives concede their proposals may result in an initial loss of jobs. But, they argue, their plans would ensure that corporate greed will not stamp out magnificent, ancient trees

Teresa Simons is a reporter with United Press International in Sacramento.

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or the rare plant and animal life living there. In short, these environmentalists are calling upon the state's politicians and voters to think about man and nature in a whole new way, in a way where the planet earth is revered as a treasure that must be cared for or be lost forever.

"Right now, the way things are on the planet, we need to preserve all the natural habitat we can," says environmentalist Greg King, a member of the radical Earth First! group.

Meanwhile, the timber industry in January introduced it's own ballot plan, which critics contend sounds environmental but really isn't. Its chief purpose appears to be to disqualify the other two plans, should it get the most votes on election day.

The trees whose fate is in question are all that remain of some two million acres of ancient coastal redwoods. Some that remain are as many as 15 feet across and 20 stories tall. Three-fourths of the remaining 100,000 acres are in parks, and the rest are privately owned, mostly by Pacific Lumber, in and around Scotia.

Once, Pacific Lumber was considered among the most ecologically minded timber companies. But environmentalists made it their prime target soon after it was taken over by a Los Angeles-based conglomerate called Maxxam in late 1985. Calling on the Wall Street investment bank Drexel Burnham Lambert, Maxxam and its chief, multi-billionaire Charles Hurwitz, bought the public company with $754 million borrowed through high-interest "junk bonds." The details of the take-over are murky. A shareholders' suit alleges that Hurwitz tempted the old board of directors with golden parachutes, and charges that Hurwitz had a California brokerage house secretly acquire Pacific Lumber stock for him to avoid publicly disclosing the purchase, a violation of Federal securities law.

Whatever the case, Hurwitz brought to Pacific Lumber a $754 million debt — one that company officials concede forced upon them a controversial decision to double the rate at which they cut their trees, even after draining $60 million from the employees' pension fund.

Pacific Lumber president John Campbell and the company's chief forester, Bob Stephens, say a new inventory of the company's trees, which found more than expected, led to Pacific Lumber's decision to double its cutting. Furthermore, they contend, the old policy of selective harvesting — cutting of the older trees while leaving younger ones standing — was dictated by the tax laws at the time, not by an aversion to chopping down all the trees in a stand (a process known as clear-cutting), company officials said. To compensate for the cutting, Pacific Lumber officials say, they are replanting trees as fast as they are cutting them, thereby ensuring plentiful harvests in the future.

But environmentalists and even a goodly number of Pacific Lumber's own employees say the company's practices don't add up to good forestry. Shipping foreman Gene Kennedy is one who has gone from being a loyal company man to an outspoken critic of Pacific Lumber. "They're cutting it down a lot faster than it's growing," he says. "I know they have these junk bonds to pay. But I don't think Humboldt County should suffer the consequences for someone's fast buck."

The consequences have come slower than Pacific Lumber might like. Sutherland's EPIC has bested the company several times in court with meager funds raised from events like its November 18th annual benefit dance, a time-warped '60s spectacle of tie-dye, long hair and head bands. Two injunctions won by EPIC have kept Pacific Lumber from logging parts of its 3000-acre Headwaters Forest — its largest parcel of virgin redwoods.

Sutherland and his colleagues have added emotional appeal to their cause by casting their plight as a morality play with the perfect "villain" — Hurwitz. The attack on Maxxam's chief has grown so intense that on one day, the "Day of the Living Dead Hurwitz's," some 100 protesters donned Hurwitz masks and paraded past the company's headquarters. Campbell, however, maintains his boss is a "reclusive ... [but] very decent human being" who was only joking when he told Pacific Lumber workers his version of the golden rule — "those who have the gold, rule."

Among those angered by Pacific Lumber following the Maxxam take-over was state Democratic Assemblyman Byron Sher of Palo Alto. In 1988 he introduced legislation that would have restricted clear-cutting of old-growth redwoods, said to cause soil erosion and pollute to streams. In what Pacific Lumber admits was a purely political move, the company agreed to the restrictions in Sher's legislation, which the lawmaker then withdrew. But Sher says the company then proceeded to cut its trees in what effectively was a two-stage clear-cut, taking many of the trees with the intention of com-

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ing back for the rest a few years later. Campbell says, "That was our intent on all along."

Sher reintroduced his legislation in 1989, only to have it defeated after strong lobbying by the timber industry. He then squared off with state Senator Barry Keene, a Democrat from Benicia and sometime supporter of the timber industry, over a proposed $400,000 wildlife habitat study. Sher insisted that such a study be accompanied by a moratorium on logging. But Keene disagreed and, in a slick legislative maneuver tacked the study, *sans* Sher's restrictions, onto a massive parks bill that lawmakers passed easily before adjourning September 16th.

Bloodied but unbowed, Sher now maintains Pacific Lumber, in a "rush to the chain saw," is quickly moving ahead with new logging plans to beat the initiatives and potential recommendations stemming from the wildlife study. Keene says he's concerned but, in a recent jab at Sher, wrote him that many of his constituents, who include loggers as well as environmentalists, "find the notion of turning environmental management over to urban managers whose own back yards are choked in smog, gridlock, graffiti, municipal wastes, and polluted water, a kind of black comedy."

Having failed in the Legislature, environmentalists sought old-growth protection in a proposed November 1990 ballot initiative, backed by Assemblyman Tom Hayden of Santa Monica and other Democratic politicians. While addressing a broad spectrum of environmental issues, the measure also would impose a one-year logging moratorium on ancient redwoods, ban clear-cutting of all trees in a stand and provide $200 million in bonds for the acquisition of ancient redwoods.

EPIC's proposal, sponsored by a coalition called Forests Forever, would go further, protecting all old-growth trees, not just redwoods. It would ban clear-cutting, provide at least $691 million in bonds to acquire ancient trees and prohibit trees from being cut faster than they can be replaced.

But neither of these plans would take effect if a ballot initiative by the timber industry gets more votes. The timber industry plan would provide for a $300 million bond to aid private and public tree-planting and reforestation projects. But the initiative, while restricting clear-cutting in some areas, also would allow lifetime timber harvesting plans, which critics contend would lead to virtual deregulation of the industry. The industry plan also authorizes — but does not direct or appropriate money for — the state acquisition of 1600 acres of old-growth timberland. Also to ward off opposition from environmentalists, Pacific Lumber has agreed not to cut old-growth timber in its prized headwaters forest for two years.

The debate over the measures, each of which needs 372,178 voter signatures to qualify for the November ballot, centers on potential job losses, controlled burning, herbicide spraying and endangerment of the spotted owl and other species that make their homes in old growth.

The Timber Association of California, for instance, maintains EPIC's plan would result in an 85 percent shutdown of the state's timber industry, costing 176,500 jobs directly and indirectly and the loss of $22.7 billion in economic activity.

Equally critical of the Hayden-backed plan, the timber association estimates it would cost at least 2100 jobs and possibly far more, depending on how it is interpreted.

Plus, says association president Bill Dennison, "It strikes right at the heart of private property rights."

But Sutherland laughs at the industry's dire predictions. "Our initiative is going to guarantee there are jobs in the future," he says.

Indeed, more jobs have been lost due to modernized mills, which employ about half the former labor force, than through old-growth protection. Louisiana Pacific's decision in November to start construction of a wood-finishing plant in Mexico casts further doubt on the industry's desire to save California jobs, although the company says that will not result in local jobs being lost.

Disputing another of the EPIC proposal's requirements, Pacific Lumber's Stephens argues that controlled burning to ready-cut timberland for replanting merely mimics nature. Lightning from a single thunderstorm may spark more than 1000 spot fires over several counties, he says. The fires are beneficial in that they destroy a fungus, often found in a forest's topsoil, that attacks seedlings, keeping them from growing.

"If we still had the vast forests, that kind of management, imitations of nature, might be useful," responds Sutherland. "But unfortunately, wiping out 98 percent of the forest is not imitation of nature."

Adds John Maurer, a former Pacific Lumber employee who quit after the Maxxam take-over, "To clear-cut a forest, burn it with napalm, then replant it and in a year or so come along and spray it with defoliant to kill the broadleaves, that to me doesn't seem like a good way to manage a forest. The trees will grow back, but I think we're going to see smaller and smaller yields. I think we're on a disaster path."

As the debate over timber cutting grows more heated, the two sides are disputing much more than forestry practices.

"I'm a native American so all the talk of private land [rights] makes me laugh," says Earth First! member Larry Evans, attacking an industry argument.

Continued on next page

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Evans, who practices his own brand of conservation by taking forestry class notes on the backs of old fliers he rips off school bulletin boards, also questions the manner in which some timber companies may have acquired their vast land holdings. Citing research done at San Francisco State University, Evans said logging interests fraudulently used 19th Century timber programs to amass large quantities of forest land.

Clearly frustrated, Pacific Lumber's president charges that some of those tagging on to the environmentalists' anti-timber arguments may have ulterior motives. "We have two full-time security guards who find all kinds of marijuana on our land," says Campbell.

Campbell also contrasts the environmental movement in California to the pro-democracy movement in eastern Europe: "People over there are objecting to having their freedoms taken away by an overbearing government bureaucracy, and here in California there seems to be a movement to add more and more layers of bureaucracy, which interferes with people's freedom to conduct a reasonable business."

On a smaller scale, the differences between the timber industry and environmentalist views of the situation is perhaps most evident in the descriptions of Headwaters Forest, the Pacific Lumber-owned parcel of virgin redwood that has become a symbol of what tree lovers want to preserve.

King, of Earth First!, has seen the forest, which holds the headwaters of the South Fork Elk River and Salmon Creek. Here's what he says: "There are ferns and a trillion flowers, and it's all very delicate. You step on it and you leave your own imprint. There was one tree that was 18 feet in diameter, and there are all these little creeks feeding into it, and each one is like a magic world."

But Pacific Lumber's Stephen says, "Headwaters Forest is the Land of Oz. It's been invented. It's just 3000 acres of old-growth timber that's not any different than any other old-growth timber."

The differences, essentially, are over whether nature serves man or man serves nature.

Pacific Lumber's Campbell, for instance, says the proposed ballot initiatives would constitute "government taking away your freedom to deal with your private property ... I don't see what is wrong with making money to supply a need. They [the public] want to have redwood decks and Douglas fir houses. We have a responsibility to our shareholders and our employees."

Indeed, the timber industry's arguments for private property rights, jobs and less government bureaucracy constitute a conventional view that probably will make a lot of sense to many voters and politicians.

But Sutherland, King and all the other tree-lovers are not just asking for more parks. They want people to begin to accept a newly emerging view that man needs to be a far better caretaker of his environment. There's so much of the planet that already has been degraded, they say, that it's time to start conserving and planting trees, not chop them down.

"The world is one living organism and all of its parts are interconnected," says King. "If we destroy one part, we're going to destroy all the rest. The transference of energy from this planet for human needs is happening so quickly it is destroying our ability to live here eventually."

The timber initiatives

EPA 1990

The Environmental Protection Act of 1990, backed by Assemblyman Tom Hayden and other Democratic politicians and environmentalists, would:

- establish a $200 million fund to purchase stands of ancient redwood trees threatened by logging, and allow the state to use its power of eminent domain if owners refuse to sell;
- establish a one-year moratorium on clear-cutting of old-growth redwoods;
- ban clear-cutting;
- require developers to plant one tree for every 500 square feet of new development in the state. Trees consume carbon dioxide and produce oxygen and are believed to be needed to counter global warming;
- phase out all agricultural pesticides that cause cancer or birth defects;
- ban new oil drilling off the coast and set up a $500 million state clean-up fund for oil spills; and,
- create an elected environmental advocate with the power to sue to enforce the law.

Forest Protection Initiative

The Forest and Wildlife Protection Initiative, written by the Environmental Protection Information Center and sponsored by the Forests Forever coalition, would:

- provide bond moneys of at least $691 million to purchase the most significant remaining ancient forests (not limited to redwoods), and allow the state to use its power of eminent domain if owners refuse to sell;
- prohibit trees from being cut any faster than they can be replaced with mature trees;
- set maximum harvest at 60 percent of each tree species;
- ban clear-cutting of areas of more than two acres. (Clear-cutting is defined as removal of more than 70 percent of the timber.);
- require that at least eight large trees per acre be left uncut;
- prohibit burning after logging; and
- restructure the state Board of Forestry to limit industry positions.

Global Warming and Clear-Cutting Reduction, Wildlife Protection and Reforestation Act of 1990

The reforestation, wildlife and timber management act, backed by a timber industry group called Californians for Sensible Environmental Protection, would:

- keep the other two timber plans from taking effect, if it gets the most votes;
- allow lifetime timber harvesting plans rather than requiring the state to approve individual tracts for timber cutting;
- provide for $300 million in bonds for public and private forest rehabilitation projects;
- eliminate clear-cutting in some areas; and,
- authorize, but not direct or appropriate money, for the state's acquisition of 1600 acres of old-growth timberland.

— *Teresa Simons*

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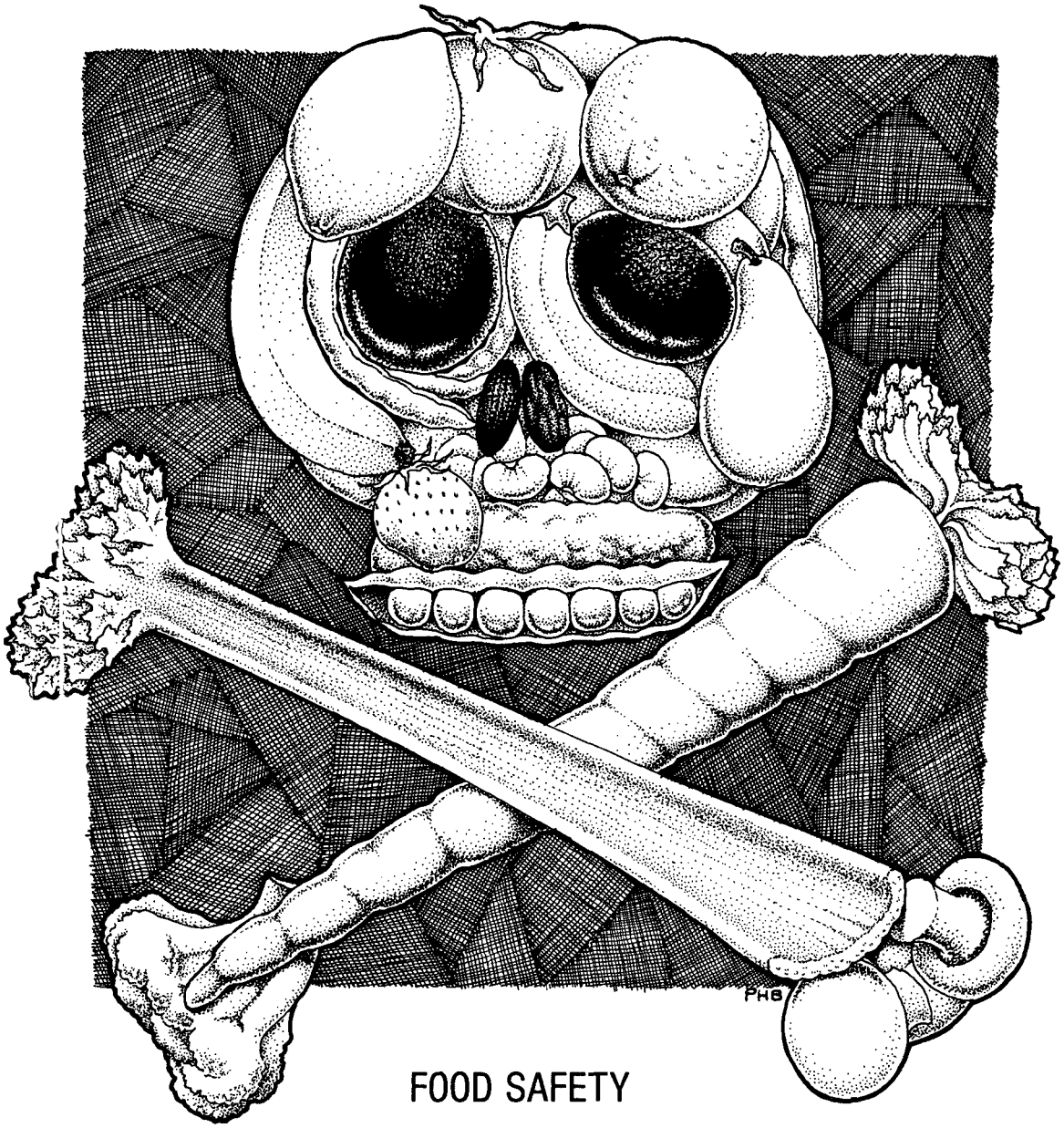

FOOD SAFETY

Carrots, cucumbers, and cancer

By Ray Sotero

The time: early November 1959, the dawn of a new political age. Presidential hopefuls John F. Kennedy and Richard M. Nixon are on the campaign trail, working overtime to draw a line between themselves and the old-guard Eisenhower administration. It is a hard sell, especially for Vice President Nixon. Suddenly, a rare political opportunity surfaces, and the art of pesticide politics takes root.

Seventeen days before Thanksgiving, after the discovery that two cranberry crops contain dangerous levels of a toxic weed killer, the administration in a press conference warns consumers to "be on the safe side" and not buy any cranberries. Pandemonium ensues, headlines scream warnings and farmers have little for which to be thankful.

Stumping in Wisconsin, Jack Kennedy loyally tosses off a couple of glasses of cranberry juice. Nixon, not to be outdone, cheerfully eats four helpings of cranberry sauce. Their faith is an ironic bookend to another food-safety landmark of the 1950s — the federal establishment of acceptable human tolerance levels for carcinogenic pesticide residues in food.

Flash forward to the early 1980s. The Mediterranian fruit fly is causing havoc with California's fruit industry. After much agonizing and waffling, then-Governor Jerry Brown orders spraying of the pesticide Malathion. To combat fears that the spraying might be worse than the fly, Brown's chief of staff, B.T. Collins, publicly tosses off a glass of the foul-smelling pesticide.

Flash forward to the late 1980s. Fears over the residue left by the growth stimulant Alar clears apples from produce bins. Aldicarb-tainted watermelons and cyanide-laced grapes also aggravate consumer fears. No politicians,

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Ray Sotero is a Capitol reporter for the The Sacramento Bee.

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however, eat apples or watermelons or grapes. And in late 1989 the state quietly releases a study showing pesticide-laden fog is poisoning neighboring crops in the San Joaquin Valley.

The revolution that has taken place over the past three decades is as much a revolution in technology as a revolution in pesticide awareness. Technologically, scientists are now able to detect traces of chemicals in food at levels once thought unimaginable. As a result, standards for "acceptable risk" from pesticide residues have come under fire. At the same time, in the political arena, pesticide politics have become an integral part of an issue expected to dominate the 1990s: the environment. In short, food safety and the use of pesticides have become hot topics at home dinner tables, in the California Legislature and, in ways without precedent, in campaigns for statewide office.

This year's crop of gubernatorial candidates is touting its pro- environmental views like no other statewide candidates before it. Rival initiatives dealing with food safety are likely to make the November 1990 ballot. And state lawmakers are sounding the gavel on increasing numbers of bills that promise greater protection from pesticides.

The reason is clear. Despite the Golden State's deserved reputation as the nation's leader in food-safety programs, scares over the use of pesticides have resulted in a growing anxiety among consumers and have put the issue of exposure to pesticides at the forefront of environmental and political debates.

Attempting to capitalize early on those fears are the various candidates for governor: Attorney General John Van de Kamp, a Democrat; and U.S. Senator Pete Wilson, a Republican. Former San Francisco Mayor Dianne Feinstein, Van de Kamp's chief rival for the Democratic nomination, also is pushing environmental causes.

Wilson has called for creation of a special state agency that would, among other things, handle oversight of pesticides, a long-time goal of environmentalists who believe the state Department of Food and Agriculture is too cozy with the chemical industry.

But it was Van de Kamp who led the way with his earlier launching of "Big Green," his environmental-protection initiative which includes an outright ban on certain pesticides. The idea of a ban is not new. But the fact that it is being spearheaded by a gubernatorial candidate through an initiative is

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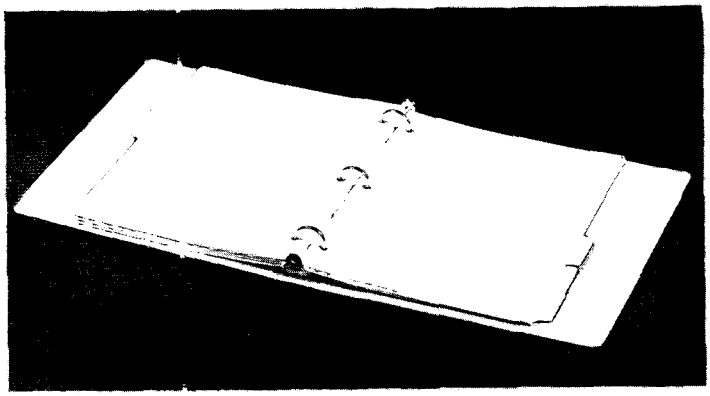

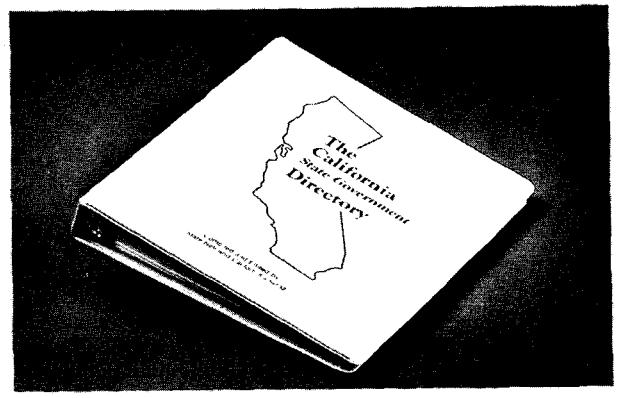

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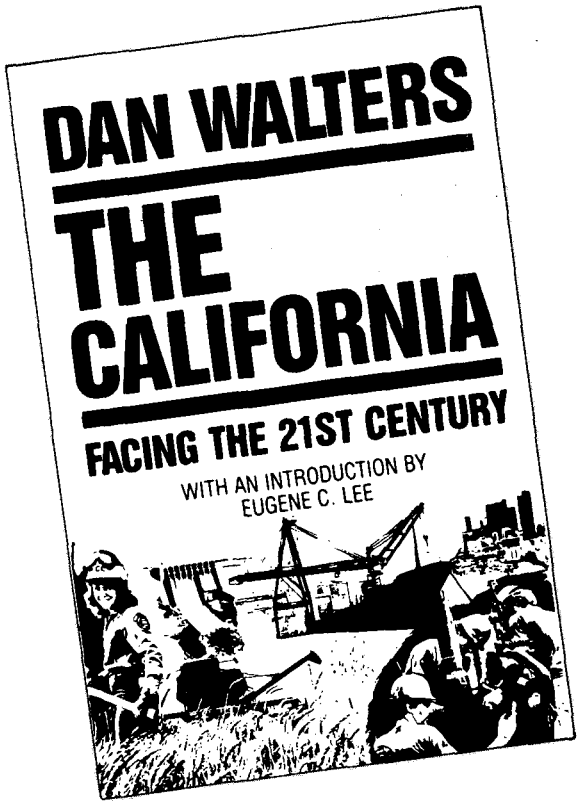

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without precedent and has spurred a rival initiative by frustrated opponents who are seeking to sidetrack its support.

Beyond the gradual elimination from use of about 15 agricultural chemicals, Van de Kamp's proposal calls for creating a position akin to an "environmental czar." Among its sweeping goals are cleaner air and water, protection against oil spills, restriction of polluting chemicals, limits on sewage discharges, required planting of more trees and preservation of tracts of virgin redwoods. The initiative's petition drive is expected to hit high gear just before the April 17th deadline to qualify for the November election.

Private polls show strong support for Van de Kamp's measure. Conducted about the time the state began another round of Malathion spraying to kill another fruit-fly infestation, yet months before a Kern County farmworker went into convulsions and died while applying pesticides, poll results suggest that approval of the Big Green could be overwhelming.

The groundwork for this year's initiative battle was laid in early 1988 when Sacramento's Democratic Assemblyman Lloyd Connelly promised that if lawmakers refused to consider his bill calling for the ban of pesticides, it would return as an initiative.

Agricultural interests hoped Connelly would be placated when Governor George Deukmejian last September signed a bill by Assemblyman Bruce Bronzan, a Fresno Democrat and chairman of the Assembly Health Committee, that provided an unprecedented $7 million expansion of state food-testing programs. The measure also mandated that farmers and others keep detailed records of all pesticides used (not just the most toxic ones), and renewed emphasis on state assessments of the health effects of pesticide residues, especially on children.

But barely a week later, Van de Kamp, backed by Connelly and Democratic Assemblyman Tom Hayden of Santa Monica, launched the drive to qualify Big Green. Hailed as a godsend by supporters, it infuriated farmers and rural lawmakers, especially Bronzan. Opponents characterized Van de Kamp's initiative as blatant political posturing and contended that the pesticide-ban portion of his initiative ignores the state's existing food-testing program and short-circuits an overall policy-making process that helps protect the public.

Bronzan said the proposed initiative could eliminate scores of safe chemicals, force food costs up and result in fewer food options. He's not alone in hoping voters will see Van de Kamp's initiative as too broad and filled with hidden costs and other unknowns.

"He's using this initiative to run for governor and doesn't really care about the details and whether it works or not," Bronzan said. "What he cares about is the political impression that's given, the attention around the initiative."

Van de Kamp, already in the doghouse among many Democrats over another initiative meant to drain what the attorney general called the Legislature's "ethical swamp," made additional enemies among rural lawmakers whose districts are dominated by agricultural interests.

"When the public fully understands that, he [Van de Kamp] is going to rue the day that he got into an issue he knew very little about," said Assemblyman Jim Costa, a Democrat from Fresno.

Van de Kamp and supporters, of course, disagree, saying the initiative is necessary to bypass powerful agribusiness interests dominating a Legislature unable or unwilling to tackle the tougher issues surrounding food safety and the environment.

"We're not talking about two or three years of stalls," said David Bunn, environmental program director for California Public Interest Research Group, a 120,000-member non-profit consumer and environmental advocacy organization that helped write Van de Kamp's initiative. "We're talking about 20 to 25 years of inaction by the Legislature. Most of your decent bills have been severely amended or killed."

When Bronzan's food-safety bill failed to block Big Green, the next round was the launching of a rival initiative fed by farming and agribusiness interests. It would basically expand existing state testing programs and allow the continued use of those pesticides Van de Kamp wants off the market.

Key to the food-safety controversy are questions raised by the progress science has made in detecting pesticide residues in food. In December, for instance, the state researchers studying three farms in Stanislaus County found crops contaminated with suspected cancer-causing pesticides transmitted by fog. Left unresolved, some contend, the food-safety issue will soon reach critical mass.

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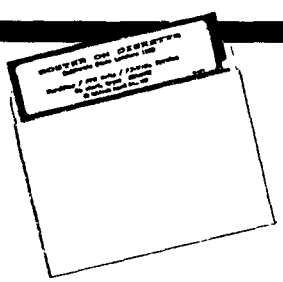

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Mother Nature's lawyers

They made Alar a household name, and pesticides synonymous with California agriculture. They are lawyers and research scientists for the Natural Resources Defense Council, a non-profit environmental-defense group that since 1970, through its San Francisco office, has researched initiatives and waged effective legal battles with wide-ranging impact.

Praised by environmentalists and vilified by agricultural and business interests, actions by NRDC concentrate on protecting the environment through court actions, testifying at legislative hearings and ensuring state and federal agencies enforce the group's interpretation of the law.

At worst, NRDC actions have promoted unreasonable fears of air, food and water contamination while forcing businesses and government agencies to spend money unnecessarily to prevent insignificant health risks, their opponents say.

Critics point to the non-partisan group's findings early last year on Alar, a suspected cancer-causing growth stimulant used on some apples. Dosage levels in the findings have been challenged as unrealistic, but not before a panic prompted school officials throughout the nation to temporarily yank apples from cafeterias.

"They've exaggerated a lot of the risks. They've used poor science. Their whole approach is geared to mass media, mass hysteria and presented to scare the hell out of everybody," said Rex Magee, outspoken associate director for the state Department of Food and Agriculture. "It's a shame, too. It just might hurt them by boomeranging."

By comparison, mention NRDC to certain environmentalists or conservationists and, as often as not, you'll get a satisfied smile. Many activists can rattle off a litany of California causes or accomplishments that might have gone nowhere without the help of the New York-based group.

"They have a view I find myself in agreement with most of the time," said Assemblyman Lloyd Connelly, a Sacramento Democrat whose successful toxics initiative of 1986 and several unsuccessful pesticide-limitation bills were drafted with NRDC staff members. "They're bright, dedicated and have had a crucial impact on California."

Going beyond wilderness and wildlife issues, the group defends its findings and claims growing popular support to continue tackling what it sees as the often-sour by-products of growth, business practices and shortsighted planning.

With 100,000 members nationwide (including 20,000 in California), the group differs from the Sierra Club or the Planning and Conservation League in that its members are mostly cash donors, while a small number of staff members concentrate on technical court cases.

California law does not require the group to reveal its contributors. But required annual records filed with the attorney general through the Justice Department's Registry of Charitable Trusts show the national bankroll for the NRDC has grown to nearly $12 million in contributions and grants last year, including nearly $1 million in court-awarded fees. Nearly three-fourths of that money goes to developing and waging court battles, seeking tougher environmental laws or ensuring existing ones are enforced.

"We don't always look at litigation," NRDC attorney Hal Candee said. "A lot of what we do is public education, answering questions from public agencies, filing comments on new proposals. "But litigation is a major part of our work."

The group started in 1970 with $100,000 grant from the Ford Foundation. That first year, an NRDC suit forced the disclosure of possible risks from nuclear power plants, fueling an "anti-nuke" movement that helped scale back once-ambitious plans for such plants in California.

In 1973 an NRDC suit forced the government, for the first time, to require environmental reviews and more careful rotation of 150 million acres of rangelands used for grazing in California and other Western states.

The next year a suit forced the government to issue regulations on industry-related water pollution, and in 1976 the NRDC won a fight to ban the use of fluorocarbons in aerosol products. Both rulings steamrolled over loud protests from California businesses. Also in 1976 the group stopped three logging companies from clear-cutting slopes adjacent to Redwood National Park. Three years later, NRDC saved two million acres of California wilderness from logging and mining in a successful suit against the Forest Service.

The list goes on, with many far-reaching successes centered in California. For example, NRDC spearheaded a successful campaign to protect millions of acres of California coastal waters from a plan by then-Interior Secretary James Watt that would have allowed offshore oil development. A related suit forced stricter controls on power-plant emissions that cause acid rain, an issue causing increasing concern about damage to agriculture in the San Joaquin Valley.

Perhaps the most famous case for which the NRDC became known during the mid-1980s was its role in closing the Kesterson National Wildlife Refuge near the San Joaquin Valley community of Merced. Alarming concentrations of the trace element selenium from agricultural run-off caused bird deformities that led to a federal move to close the site to agricultural drainage. Growers filed suit to postpone the closure, but records show a simultaneous suit by the NRDC led to the shutdown of Kesterson.

Perhaps second only to water issues, pesticides are a concern of the NRDC. Since the mid-1980s the group has won several state and federal guarantees to make public certain information about the health effects of pesticides and to improve safety provisions.

A more important breakthrough came in 1987 when the NRDC filed suit against Governor George Deukmejian and won a court victory that forces the listing of 250 toxic chemicals that require public warnings under the provisions of Proposition 65. Several state officials conceded the NRDC helped prompt expansion of California's pesticide-monitoring program, improved testing and sparked greater concern over foreign produce.

"They made a big impact on us," said Senator Dan McCorquodale, a San Jose Democrat who is chairman of the Senate's Natural Resources and Wildlife Committee. "Like pesticides, they won't go away."

— *Ray Sotero*

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California's Justice Anthony Kennedy: A progress report

By Patrick McBride

In his seat at the end of the United States Supreme Court bench, Anthony M. Kennedy — former Sacramento lawyer, lobbyist, and jurist — is the new kid on the block, and looks it.

Although at times he projects a strikingly judicial image, listening to oral argument with a vertical index finger gravely pressing against his chin, Justice Kennedy appears younger than his 53 years. Perhaps his eyes are the key. They are great, innocent-looking orbs that give him the aspect of a bookish choir boy.

Ironically, this demure-looking man is the focus of national attention due to his apparently pivotal position in the forging of the Court's emerging conservative majority. Despite just two years' experience as a justice, the assessment of his place in the judicial politics of the Court is the object of much critical judgment — perhaps a rush to judgment. To activists of the right, he is a most valuable team player; to those of the left, he's Robert Bork without a beard.

Sure-footed evaluation of any justice requires years. But early attempts to size him up are unavoidable. What kind of role will he play on the Court? And in a more speculative vein, what signs are there that the first justice from California since Earl Warren's retirement 20 years ago will become a truly outstanding justice?

There is wide agreement among Court watchers that Kennedy evidently fits easily into an effective role of consensus-builder among nine individualistic justices who can be so fractious that Justice Oliver Wendell Holmes once called them "nine scorpions in a bottle." Along with this impression, analysts widely agree that Kennedy is, for now at least, on the right; and also that his opinions, although precise and lawyerly, often tend toward blandness.

To note some highlights, Justice Kennedy has:

- joined the majority in the 5-4 ruling to trim back the Court's rule protecting abortion rights, leaving more room for restrictive state legislation (*Webster v. Reproductive Health Services*);
- joined the majority in 5-4 holdings that capital punishment for minors, ages 16 and 17, or mentally retarded defendants may be imposed (*Stanford v. Kentucky, Penry v. Lynaugh*);
- written a concurring opinion that pleased and surprised liberals in the 5-4 ruling that flag-burning to express political protest is constitutionally protected free speech. (*Texas v. Johnson*);
- written an unusually aggressive and flashy minority opinion urging the Court majority to give government greater leeway to sponsor religious holiday displays (*County of Allegheny v. American Civil Liberties Union*);
- • joined the majority in 5-4 holdings involving fire fighters and cannery workers that dealt a setback for affirmative-action employment programs. (*Martin v. Wilks, Ward's Cove Packing Co. v. Atonio*);
- • written a concurring opinion in a 6-3 ruling against minority set-aside programs where the Court found racial discrimination unproven. Speaking for himself alone, Kennedy said he was bound by previous cases approving affirmative action, but absent these precedents, he would prefer "a rule of automatic invalidity of racial preferences in almost every case ..." (*City of Richmond v. J.A. Croson Co.*);
- • written the opinion of the Court in a ruling considered a setback for racial minorities in a case involving Reconstruction-era civil-rights law. The majority agreed the statute barred racial discrimination in private contracting but refused to construe the law's reach to employment discrimination practices in the post-contract phase. (*Patterson v. McClean Credit Union*);
- • written for the majority two decisions, 6-3 and 5-4, that overrode Fourth Amendment objections to drug testing for railway workers after accidents or safety violations, and for U.S. Customs agents who carry guns or work with narcotics. (*Skinner v. Railway Executive's Association, National Treas-*

Patrick McBride teaches at California State University, Sacramento, and recently spent several months observing the U.S. Supreme Court.

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ury Employees Union v. Von Rabb).

It is the last three rulings, *Patterson* and the drug-test cases, that generate the most talk of Kennedy as a consensus-builder on this increasingly fractious Court. Alan Slobodin, general counsel of the Washington Legal Foundation, believes Kennedy's personal and legal style is influential in producing and holding majorities. He suggests that Kennedy's way of getting along with the other justices and his low-key amiability behind the choir boy's face may soothe tempers and facilitate agreement.

In legal style, Kennedy's opinions for the Court in these cases may be dry and "watered down," says Slobodin; but that undramatic approach could be the key to holding a majority vote. Slobodin credits Kennedy with attracting the vote of liberal Justice Harry Blackmun in both drug-testing cases. While Justice Antonin Scalia, with his provocative declamations, is the "conservative conscience of the Court," the Kennedy approach makes the newest justice "(Chief Justice William) Rehnquist's lieutenant."

Carolyn Kuhl, a Los Angeles attorney and former law clerk for Kennedy when he was on the Ninth Circuit Court of Appeals, generally agrees. She was much impressed by Kennedy's nonconfrontational ways with the judges of the Ninth Circuit, and she believes he is a virtuoso bridge builder between judges with diverse views. She even accepts the "Rehnquist's lieutenant" label.

"I think that Justice Rehnquist is giving him that role, or maybe we could say at this early stage, is trying him out in that role," Kohl says. *Patterson* and the drug-test cases, she says, probably "required a good deal of juggling to keep the [majority] group together," just the kind of juggling she has seen Kennedy perform with alacrity on the appellate court, when most of the judges were Carter-appointees at odds with him ideologically.

Some Court observers, however, reject the consensus-builder theory. "It makes me laugh," responds Georgetown School of Law Dean Thomas Krattenmaker. The theory seems fraudulent gossip to him, for it suggests the unlikely scenario of deceptive manipulation by Kennedy. That, however, is not at all the idea others suggest. The idea is that in an open and collegial way, Kennedy's congenial manner at times can be decisive to the process of bargaining and accommodation that makes possible the precedent-setting cases creating solid constitutional law.

That seems plausible to McGeorge School of Law Professor Clark Kelso, also a former Kennedy law clerk and later his teaching colleague at the law school. Kelso is suspicious of the "Rehnquist's lieutenant" label but does believe Kennedy brings to the Court a strategically important kind of personality.

"He's just very warm ... just like the Good Humor man," says Kelso. "He never comes across as combative — not on the Court, not personally ... I've never seen him have an argument with anybody." Rather, Kennedy treats everyone with a disarming deference that convinces them he wants to know what they think. Because Kennedy is "basically [such a] gentle man," as Kelso sees it, "you're not encouraged to get into any kind of argument that might lead to polarization."

Apart from all this educated speculation, there is one poignant piece of evidence in the written record that displays Kennedy's deft manner to appease eight independent-minded colleagues. That is his delicately-worded concurring statement in the flag-desecration case. He cast the deciding vote to bring down the decision on the free-speech side, but did so with a bow to both sides of a sharply divided Court. On the one hand he said, "I write not to qualify the words Justice

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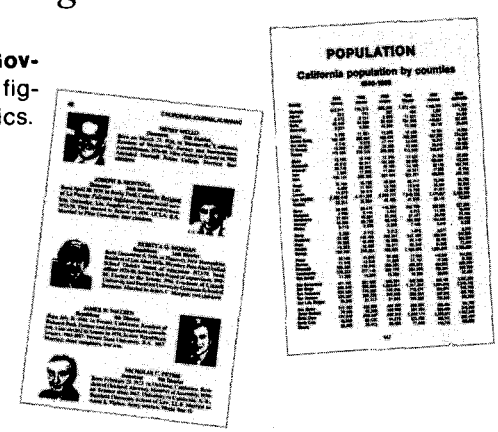

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Brennan [writing for the majority] chooses so well, for he says with power all that is necessary to explain our ruling."

On the other hand, Kennedy then turns to a graceful tribute to the other side: "Our colleagues in dissent advance powerful arguments why respondent may be convicted for his expression of political protest by flag burning] ... I agree that the flag holds a lonely place of honor in an age when absolutes are distrusted and simple truths are burdened by unneeded apologies." He suggests that none of the justices likes decisions like this one. "We make them because they are right, right in the sense that the law and the Constitution, as we see them, compel the result."

Consensus-building diplomat of the Court he may be, but how do the tea leaves read for the future? Does the freshman justice show promise of becoming a truly memorable figure in the Court's history? Perhaps even to rank with Holmes, Louis Brandeis, Benjamin Cardozo, and Warren?

Due to his short tenure, such predictions are likely to be couched in caution. Georgetown's Krattenmaker refuses to attempt it and notes that when evaluating justices' careers, "you throw out the first two years."

Justices have shown a baffling inclination to change over time. Kennedy's California predecessor, Earl Warren, led the Court in the *Brown v. Board of Education* desegregation case a year after he joined the Court, but otherwise he was moderate to conservative during his early years. Justice Blackmun, who spoke for the Court in the *Roe v. Wade* landmark abortion case, himself passed his first years as a conservative, voting so often with former Chief Justice Warren Burger they were called the "Minnesota Twins."

Nonetheless, some Court watchers interviewed were more disposed to venture comment about Kennedy's future. McGeorge Law School Dean Gordon Schaber admits to the hazards of early assessment but beams, "I predict he will be one of those legends."

Another observer, who asked not to be named because he practices before the Court, sees Kennedy as permanently second-rate. Interviewed near the end of last term and asked if it was too early to venture predictions, he said, "I'm not sure it is. He seems to be right down the traditionalist conservative mode. He seems right on target of what Reagan would have wanted ... I don't think he's got a great intellect ... I don't see any streaks of real imagination. And I think that's the way he may remain. That may be the man."

The University of Virginia School of Law's G. Edward White takes still another view. Believing some have jumped to conclusions about Kennedy's being a predictable right-winger, White expects him to evolve into a "moderate," close to former Justice Lewis Powell, whose seat Kennedy took.

Professor White speaks with special authority on justices' places in history. The latest edition of his book on notable American judges, "The American Judicial Tradition," has just been published. He is asked if another edition of his book 20 years down the road might have a chapter on Anthony M. Kennedy.

"In a very qualified way I would bet against it," he responds. But he is quick to add he thinks it possible: "He's a first-class intellect," opines White, "perhaps not at the level of Rehnquist or Scalia. But he is bright. He's not a journeyman."

One vital thing, continues White, "is whether he will develop a point of view that enables him to write in a memorable way ... He has to be situated in a position where he can be influential and to have an overriding point of view that renders his opinions memorable ... I don't say that can't happen in Kennedy's case."

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BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 372,178 valid signatures; constitutional amendments require 595,485. In parentheses is the deadline for sponsors to submit signatures to county clerks and the issue of California Journal *that contains a full explanation of each measure. To qualify for the November 1990 ballot, sponsors are urged to submit petitions by March 23rd.*

New in circulation:

STATE AND LOCAL TAXES — an initiative constitutional amendment, sponsored by Boris Isaacson of North Hollywood, that would phase out existing taxes and fees by July 1, 1992, and in their stead impose a trade charge of up to 1 percent on the value of property or services traded. Government expenses would be limited to the revenue from the trade charge, not to exceed $90 billion a year (or $3000 per capita). Also, the measure prohibits the issuance of bonds after July 1, 1992, and requires that all revenues from fines, penalties, rents and leases be distributed to voters. (May 10th)

HEALTH CARE COVERAGE — an initiative constitutional amendment sponsored by the chairman of California 2000, Michael Weinstein of Los Angeles. The measure would establish the California Health Plan Commission to make basic health-care insurance available to residents with no other available health coverage, including self-employed persons and employees of small businesses. Rate increases for health insurance would have to be approved by the Insurance Commissioner; increases for health-care service plans would be approved by the Corporations Commissioner. To pay for this insurance, the measure would impose an additional excise tax on alcoholic beverages and additional taxes on those not covered by health benefit plans: a payroll tax on employers, gross-wage taxes on employees and income taxes on self-employed persons. Expenditures under this measure would be exempt from the state spending limit. (June 11th)

TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT. RESIGNATIONS — an initiative constitutional amendment sponsored by William Sullivan of San Ramon, Judi Haderer of San Bruno, and Tom Mezger of Yolo — that would limit legislators and constitutional officers to two full terms. Incumbents who seek another office, or accept contributions to run for another office, would have to resign. Also, persons elected to those offices after November 1, 1990, would have to participate in the federal Social Security program and would not be able to accrue other pension and retirement benefits, except vested rights. (June 18th)

TERMS OF OFFICE. PUBLIC OFFICERS RETIREMENT. RESIGNATIONS. MISUSE OF PUBLIC FUNDS — an initiative constitutional amendment, sponsored by Lee Phelps of Aptos, that provides a two-term limit for legislators and constitutional officers, resignation from office to seek another office and participation in federal Social Security. In addition, it would prohibit the use of public resources to influence the election of candidates or passage of ballot measures. (June 18th)

TERMS OF OFFICE. LEGISLATORS' RETIREMENT. LEGISLATIVE OPERATING COSTS — an initiative constitutional amendment sponsored by Los Angeles County Supervisor Pete Schabarum, and by J.G. Ford Jr. and Lewis Uhler of Loomis. The measure limits state senators, members of the Board of Equalization and all statewide elected officers (except Insurance Commissioner) to two terms. It also limits members of the Assembly to three terms. This measure, too, requires legislators to participate in federal Social Security and precludes accrual of other pension and retirement benefits resulting from legislative service. Finally, the Legislature's expenditures for compensation and for operating and equipment costs would be limited to an amount specified in the initiative. (June 18th)

TIMBERLAND ACQUISITION. BOND ACT — an initiative statute, sponsored by Patrick Shannon of Willow Creek, that would require the state to buy the 193,000 acres of timberlands, mills and milltown of Pacific Lumber Company. The state would then be required to sell these assets, subject to sustained-yield harvest practices, to Pacific's current employees. About 2000 acres would be reserved for a redwood wilderness area and 1700 acres would be made available for resale within 20 years to private foundations or conservation groups for inclusion in the wilderness. The measure also authorizes issuance of $940 million in general obligation bonds to fund the proposal. (June 18th)

PRISON INMATE LABOR. TAX CREDIT — an initiative constitutional amendment and statute, sponsored by Governor George Deukmejian, that would permit state prison and county jail officials to contract with public entities (both for-profit and non-profit) for prison labor, except in strike or lockout situations. Inmate wages would be comparable with non-inmate wages for similar work and be subject to deductions for taxes, room and board, restitution fines or victim compensation, and for family support. Inmate employers would be allowed a 10 percent-of-wage tax credit against specified state taxes. (June 21st)

HOUSE OF COMMONS — an initiative constitutional amendment, sponsored by Eric Jacobson of Los Angeles, that would create a House of Commons composed of all registered voters "sitting in constituent groups not to exceed 500 voters" at specified dates and times. Legislative measures to increase or decrease taxes, or those deemed to be "of statewide importance," would require a majority vote of constituent groups. Measures that affect local government would require a majority vote of the affected groups. Among other provisions, the measure would preserve the constitutional limit on *ad valorem* real property taxes but repeal the Gann appropriations limit. (June 21st)

COMMISSION ON CIVILIAN ECONOMY. APPROPRIATION. TAX DEDUCTION — an initiative statute, sponsored by Lila Garrett, Suzanne Marks and Ronald DiNicola of Los Angeles, that would create a California Commission to Expand Civilian Economy to urge the U.S. and the Soviet Union to reduce military budgets by half by 1997; to request that the U.S. redirect military funds to civilian purposes; and to propose legislation and programs to protect the state's economy from the adverse impact of this transition. The annual appropriation for the Commission would be $525,000, and would be funded in part through a voluntary checkoff on income tax returns. The Commission could be terminated in 10 years by a two-thirds vote of the Legislature. (June 21st)

CRIMINALIZED DRUG LAWS — an initiative statute, sponsored by Thomas Neece of Redwood Valley, that would repeal all laws that ban the use, cultivation, transportation or possession of criminalized drugs in California. (June 29th)

MARIJUANA — an initiative statute, sponsored by Thomas Neece of Redwood Valley, that would legalize marijuana in California. (June 29th)

REAPPORTIONMENT BY LEGISLATURE; SUPREME COURT. JUDICIAL REVIEW — an initiative statute and constitutional amendment, sponsored by Wade Bruce Lee II of Sacramento, would require that reapportionment plans for the Legislature, Congress and State Board of Equalization be approved by a two-thirds vote of each house of the Legislature and signed by the governor. The final plans would be subject to review by the state Supreme Court upon the petition of any eligible voter. If the Legislature failed to enact a reapportionment plan, or if its plans violated the law, the Court would be empowered to consider other plans and mandate enactment. (July 2nd)

REAPPORTIONMENT BY LEGISLATURE; SUPREME COURT. JUDICIAL REVIEW — an initiative constitutional amendment,

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sponsored by Richard Noble of Los Angeles, also requires that reapportionment plans for Congress, the Legislature and the Board of Equalization be adopted by a two-thirds vote of each house of the Legislature and approved by the governor. The measure also provides for Supreme Court review and alternatives should the Court find the Legislature's proposal in violation of the law. This initiative also provides for up to $3.5 million for a redistricting fund. (July 2nd)

INITIATIVE AND REFERENDUM PROCESS — an initiative constitutional amendment, sponsored by Joel Fox of the Howard Jarvis Taxpayers Association in Granada Hills, that would require voter approval of any statute that "provides the manner in which statewide or local initiative or referendum petitions are circulated, presented or certified." The measure would also require voter approval of any statute that prescribes the manner in which initiatives and referenda are submitted to voters. (July 9th)

STATE, LOCAL TAXATION — an initiative constitutional amendment, sponsored by Richard Gann of Folsom and by Joel Fox of the Howard Jarvis Taxpayers Association in Granada Hills, which would require that any new tax or any increases in existing state general or special taxes be approved by two-thirds of each house of the Legislature. Among other things, the measure would restrict the use of local special taxes to the purpose for which they were imposed, limit the tax rate on new state personal property taxes, extend to charter counties the power of voters to increase local general taxes by majority vote, ban new state and local *ad valorem*, sales and transaction taxes on real property and provide temporary exception for state and local taxes for disaster relief. (July 9th)

Continuing in circulation:

LEGISLATIVE TERM LIMITS — an initiative constitutional amendment, sponsored by John MacDonald of Santa Rosa and Gerald Partain of Bayside. (February 13th, October 1989 *CJ*)

HUMAN LIFE — an initiative constitutional amendment, sponsored by Andrew Eppink of Palmdale. (February 16th, November 1989 *CJ*)

LEGISLATIVE DISTRICTS — an initiative constitutional amendment, sponsored by C.T. Weber of San Diego. (April 6th, December 1989 *CJ*)

NATURAL ENVIRONMENT. PUBLIC HEALTH. BONDS — an initiative statute sponsored by Attorney General John Van de Kamp, Democratic Assemblymen Lloyd Connelly of Sacramento and Tom Hayden of Santa Monica, Albert Meyerhoff of the National Resource Defense Council in San Francisco, Michael Piker of Sacramento, Carl Pope of Berkeley and Bob Mulholland of Chico. (April 27th, February 1990 *CJ*)

CRIMES. TAXATION. BONDS — an initiative constitutional amendment, sponsored by Attorney General John Van de Kamp. (April 30th, February 1990 *CJ*)

GOVERNMENT OFFICIALS. ETHICS. CAMPAIGN FINANCING — an initiative constitutional amendment and statute sponsored by Attorney General John Van de Kamp, John Phillips of Los Angeles and Mayor Tom McEnery of San Jose. (May 7th, February 1990 *CJ*)

MARINE RESOURCES — an initiative constitutional amendment sponsored by GOP Assemblywoman Doris Allen of Cypress. (May 7th, February 1990 *CJ*)

OWNERSHIP OF FIREARMS — an initiative constitutional amendment sponsored by Bernadine Smith and Gerald Hunt of Hanford. (May 11th, February 1990 *CJ*)

STARVATION — an initiative statute sponsored by Eleanor George of San Diego. (May 14th, February 1990 *CJ*)

TRANSPORTATION — an initiative constitutional amendment sponsored by Craig Hendrickson, Christopher Huntington, James Kendricks and Anthony Hedayat of Los Angeles; by Jeffrey Sceranck and Jeffrey Young of Rancho Cucamonga; and by Graham Kaye-Edgie of Bakersfield. (May 14th, February 1990 *CJ*)

CANDIDATES. CAMPAIGN FINANCES. GIFTS — an initiative statute sponsored by Gareth Neumann of Glendale. (May 14th, February 1990 *CJ*)

DRUG ENFORCEMENT AND PREVENTION. TAXES. PRISON TERMS — an initiative statute sponsored by Lieutenant Governor Leo McCarthy (May 17th, February 1990 *CJ*)

REAPPORTIONMENT BY COMPUTER FORMULA — an initiative constitutional amendment sponsored by Ken Gow of Whittier. (May 21st, February 1990 *CJ*)

ALCOHOL SURTAX FUND — an initiative constitutional amendment sponsored by Andrew McGuire of Sacramento. (May 25th, February 1990 *CJ*)

GAMING COMMISSION. SPORTS WAGERING — an initiative constitutional amendment and statute sponsored by Democratic Assemblyman Richard Floyd of Gardena. (May 29th, February 1990 *CJ*)

FOREST PROTECTION. TIMBER HARVESTING. BOND ACT — an initiative statute sponsored by Robert Bennett Sutherland of Redway and Cecelia Lanman of Arcata and supported by Forests Forever of Ukiah. (May 29th, February 1990 *CJ*)

Failed to qualify:

REAPPORTIONMENT. POLITICALLY COMPETITIVE DISTRICTS. VOTER REGISTRATION — an initiative constitutional amendment and statute, sponsored by Republican state Senator Bill Leonard of Redlands. (January 16th, October 1989 *CJ*)

Measures and initiatives qualified for June ballot:

PROPOSITION 107: HOUSING AND HOMELESS BOND ACT — SB 1693 by Democratic Senate President pro Tempore David Roberti of Los Angeles which authorizes $150 million in general obligation bonds for homeless relief.

PROPOSITION 108: TRANSPORATION FUNDING — AB 973 by Democratic Assemblyman Jim Costa of Fresno that enacts the Passenger Rail and Clean Air Bond Act, authorizing $1 billion for rail transit programs.

PROPOSITION 109: ENACTMENT OF STATUTES. CONSIDERATION OF BILLS BY THE GOVERNOR — ACA 54, a referendum by Republican Assembyman Richard Mountjoy of Monrovia which extends from 12 to 30 days the amount of time the governor has to sign bills at the end of the first year of the two-year legislative session.

PROPOSITION 110: PROPERTY TAXATION. FULL CASH VALUE — SCA 37 by Democratic Senator Bill Lockyer of Hayward which gives severely disabled persons the right to change residences without suffering a property tax increase.

PROPOSITION 111: TRAFFIC CONGESTION RELIEF AND SPENDING LIMIT ACT OF 1990 — SCA 1 by Democratic Senator John Garamendi of Walnut Grove which doubles the state's current nine-cents per gallon fuel tax over a five-year period and eases the state spending limit.

PROPOSITION 112: LEGISLATIVE ETHICS. STATE OFFICERS — SCA 32 by Democratic Senate President pro Tempore David Roberti of Los Angeles, the so-called Senate ethics package which creates a commission to review the compensation received by lawmakers and constitutional officers, bans honoraria, limits gifts, requires open meetings and limits the ability of former state officials to lobby for 12 months after they leave state government.

PROPOSITION 113: PRACTICE OF CHIROPRACTIC — SB 2751 by Democratic Senator Herschel Rosenthal of Los Angeles which increases fines for violation of the state's chiropractic act.

PROPOSITION 114: PEACE OFFICERS — SB 353 by Democratic Senator Robert Presley of Riverside adds additional classes of peace officers to the list of special-circumstances murder in the state death penalty act.

PROPOSITION 115: CRIMINAL LAW — an initiative constitutional amendment sponsored by GOP state Senator Ed Royce of Anaheim, Colleen Thompson Campbell of San Juan Capistrano, and Kern County District Attorney Edward Jagels. (July 1989 *CJ*)

PROPOSITION 116: RAIL TRANSPORTATION BOND ACT — an initiative statute, sponsored by Gerald Meral and James Knox of Sacramento and backed by the Planning and Conservation League. (August 1989 *CJ*)

PROPOSITION 117: WILDLIFE PROTECTION — an initiative statute, sponsored by Gerald Meral, Democratic Assemblyman Lloyd Connelly and Sharon Negri of Sacramento, and by J. William Yeates of Monterey and backed by the Planning and Conservation League. (August 1989 *CJ*)

PROPOSITION 118: LEGISLATURE. ETHICS. REAPPORTIONMENT. — an initiative constitutional amendment, sponsored by Gary Flynn of San Rafael. (September 1989 *CJ*)

PROPOSITION 119: REAPPORTIONMENT BY COMMISSION — an initiative constitutional amendment *and* statute, sponsored by San Mateo County Supervisor Tom Huening. (September 1989 *CJ*)

Source: Secretary of State

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Base closings

Defense Secretary Dick Cheney had a wry response when I asked him whether the Bay Area was being singled out unfairly in his proposed hit list of military base closings.

"You've got the '49ers," he said. "What do you need the military for?"

ON THE DAY AFTER SUPER BOWL SUNDAY, Cheney overheard and appropriated that topical wisecrack from a reporter at a Pentagon press conference. The session was called to discuss the Defense Department's spending plans, including the possibility of closing or slashing back as many as 43 bases across the country.

What raised the eyebrows — and the ire — of California's members in Congress was that 11 of the targeted bases are in their home state, and six are clustered in the liberal, traditionally Democratic Bay Area.

"I don't think they tried to slant it," Cheney said, maintaining that the military services drew up the hit list of supposedly unneeded bases without any political pressure from him.

"California gets hit nearly anytime you do anything with defense," Cheney told a skeptical Republican Senator Pete Wilson at a hearing of the Senate Armed Services Committee, "because almost a third of our budget, I believe — I think I've seen the number, some $90 billion — is actually spent in California related to defense."

But Californians were not sure it was quite so pristine a process. "I think it's related to party politics," said Representative Vic Fazio, a Sacramento Democrat. "We simply want to know that our constituents are not being singled out and treated unfairly."

Californians were quick to embrace a proposal to create a "bipartisan commission" to decide which bases to close. Just last year, in what was billed as a once-in-a-generation process, Congress accepted 86 base closings recommended by just such a blue-ribbon commission.

"All over Capitol Hill, there are groups, bipartisan groups, forming up to fight the closing of one base or another," said House Armed Services Committee Chairman Les Aspin, a Wisconsin Democrat who proposed creating another commission. "My reaction to the Cheney base-closing list is that the substance is right, but the process stinks."

Some of the demands for a blue-ribbon commission rang a bit hollow. One of those advancing the idea this time is San Francisco Democrat Barbara Boxer, who is still trying to reverse the decision by the prior commission to close the Presidio Army base in her district.

Noting that Democrats in Congress were more likely to find their local bases on the Pentagon hit list than their Republican colleagues, Colorado's Democratic Congresswoman Patricia Schroeder said it seemed as if Cheney "went over and met with Lee Atwater at the Republican National Committee and came up with a political list."

Whether by design or chance, there is no question that Cheney's base-closing list put Democrats on the defensive going into this year's great debate over how much to cut the defense budget. Democrats were gearing up to demand a "peace dividend" from the demise of Cold War tensions, only to be sent reeling by Cheney's announcement that one of the dividends of peace would be the loss of their local bases.

"This puts a political gun at the head of a member with a base in his or her district," Aspin said.

Even before the Democrats moved to defer the touchy matter to an independent commission, the base-closing exercise was destined to be a long and grueling one.

Although Cheney would like Congress to waive many of the requirements, the law now calls for exhaustive economic and environmental studies before he can move formally to close any of the bases on his preliminary hit list. Then Congress would have the chance to veto the closings. At best, it would be a year or two before the closings began.

Meanwhile the politicians' reactions showed some subtle shadings.

Democratic Senator Alan Cranston said he is awaiting studies to see whether the base closings are justified. He has concentrated his energies instead on leading a campaign to end production of the B-2 Stealth bomber, even though the weapon is made largely in California. His position may alienate thousands of defense workers, but it may invigorate Cranston's liberal support as he struggles to recover from his involvement in the Lincoln Savings scandal.

Wilson may be hurt politically by the perception that the Republican Bush administration seems eager to close so many California bases just as Wilson is running for governor. Certainly, it calls into question Wilson's purported clout as a buddy of the president and as a hawkish member of the Senate Armed Services Committee.

At first, Wilson expressed doubt that any new base closings were necessary. Then, he shifted to the argument that closing West Coast bases makes no sense. "There does seem to me to be a gap," Wilson told Cheney, "between the nearly universal optimism and celebration that we are all engaging in with regard to the dizzying and dramatic impact of events in Eastern Europe and the fact that in the West — in the Pacific — we do retain very heavy responsibilities."

LOCAL OFFICIALS, ESPECIALLY IN Long Beach and Alameda, were upset and angry at the threat of losing facilities they saw as crucial to their economies and their civic identities. On the other hand, San Francisco's liberal Mayor Art Agnos was downright jaunty at the prospect that the Navy might shut down its operations on Treasure Island, at midspan of the Bay Bridge.

"The land that these bases occupy offer extraordinary opportunity for economic development," Agnos said. "I think we could make millions and millions of dollars if Treasure Island was turned over to San Francisco."

Larry Liebert is Washington Bureau Chief for the San Francisco Chronicle.

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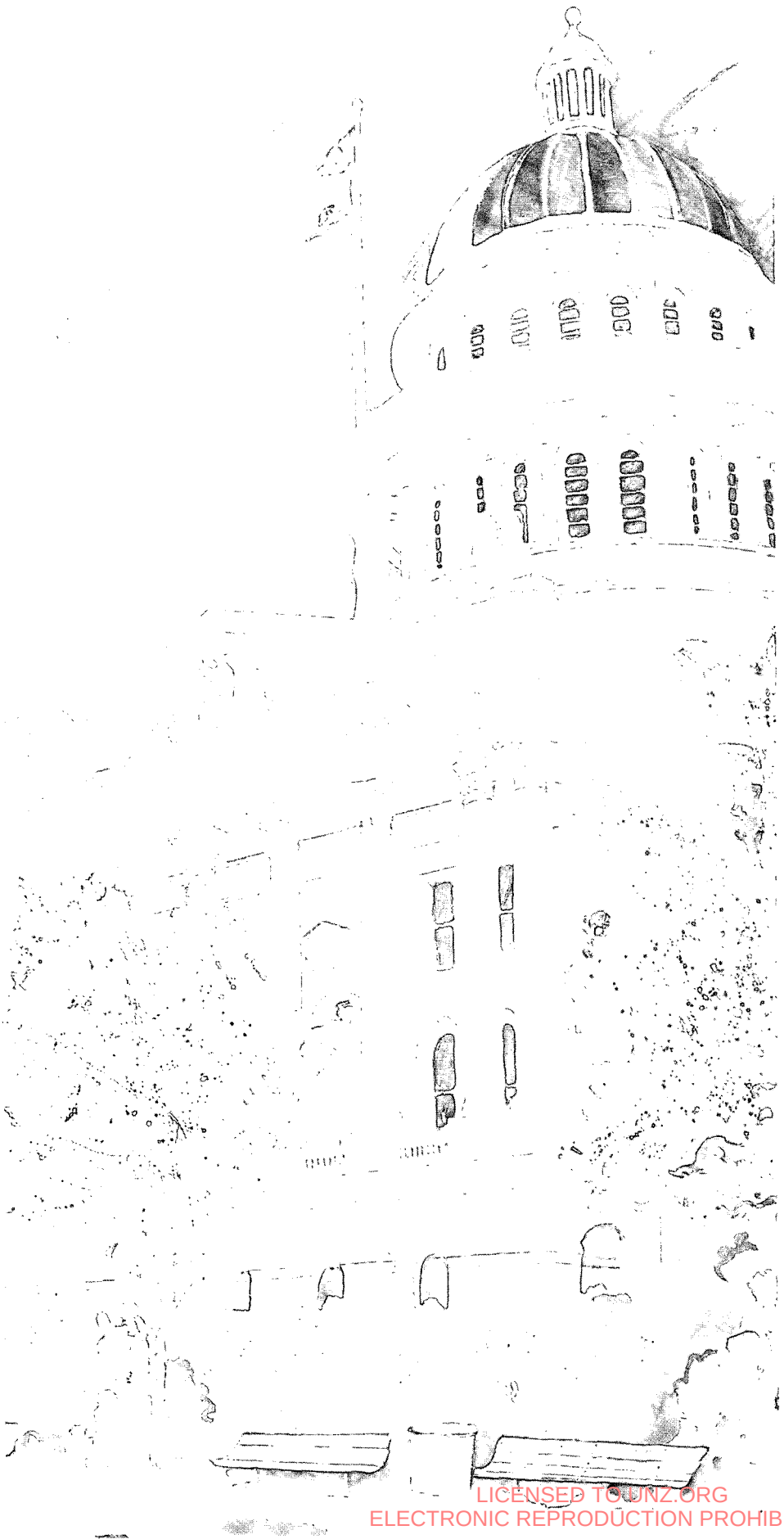
California Journal

1990 ROSTER & GOVERNMENT GUIDE



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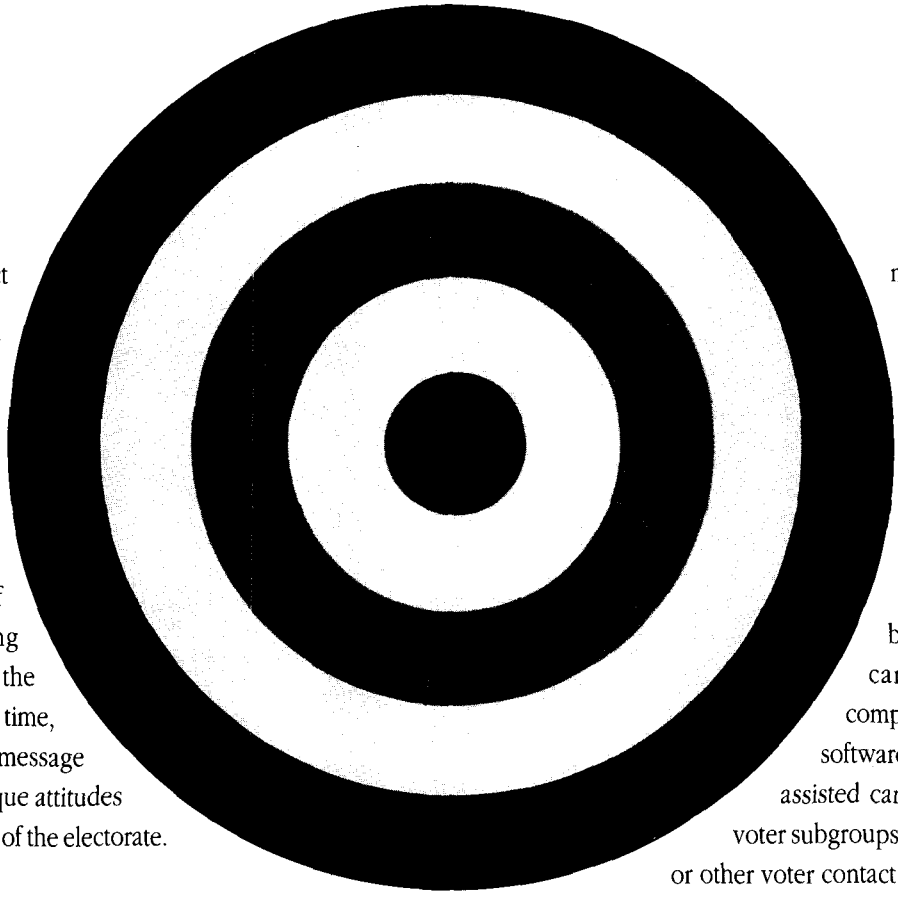

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